CLARK COUNTY PLANNING COMMISSION
THURSDAY, JANUARY 31, 2001
MINUTES OF PUBLIC HEARING

City Hall Council Chambers
210 East 13th Street
Vancouver, WA
6:30 p.m.

CALL TO ORDER

The public hearing of the Clark County Planning Commission was called to order at 6:30 p.m. by Chairman, Vaughn Lein. The hearing was held at the City Hall Council Chambers, 210 East 13th Street, Vancouver, WA.

ROLL CALL

Planning Commission Present: Vaughn Lein, Chair; Jeff Wriston, Vice Chair (late); Dick Deleissegues, Jada Rupley, Lonnie Moss (late), Carey Smith, and Ron Barca.

Planning Commission Absent: None.

Staff Present: Rich Lowry, Chief Deputy Prosecuting Attorney; Patrick Lee, Long Range Manager; Bob Higbie, Assistant Long Range Manager; Elise Scolnick, Planner II; Chris Eaton, Consultant; and Sonja Wiser, Administrative Assistant.

Other: Cindy Holley, Court Reporter.

GENERAL & NEW BUSINESS

A. Approval of Agenda for January 31, 2001

The agenda was approved as distributed.

B. Communications from the Public

None.

PUBLIC HEARING ITEMS & PLANNING COMMISSION ACTION

A. PROPOSED INFILL HOUSING ORDINANCE:

An ordinance to govern the development of infill housing on lots that have been traditionally passed by for development. The proposed ordinance applies to land subdivision and platting (Chapter 17, Land Division) as well as housing

development (Chapter 18, Zoning). The proposed ordinance amends the following sections of the Clark County Code:

CCC 18.406.020 (Q) Infill Ordinance; 18.600, Procedures; 17.102.160, Short subdivision definition; 12.05A.050, Functional classifications – Urban roads; 12.05A.120 of Table 120-3; 12.05A.220, Road modifications.
Staff Contact: Elise Scolnick, (360) 397-2375, Ext. 4958 or e-mail: elise.scolnick@co.clark.wa.us

LEIN: Thank you, ladies and gentlemen. For the record, Lonnie Moss and Jeff Wriston have now joined us at the table. Welcome.

MOSS: Apologies for being late.

LEIN: We've gone through everything, just getting ready to start the public hearing items so we wanted to hold it until you gentlemen joined us. So at this point turn it over to staff.

LEE: Bob.

HIGBIE: Bob Higbie with the Planning Department in Clark County.

LEIN: Welcome back, Mr. Higbie.

HIGBIE: Thank you. Thank you. More than happy to be here. This case deals with the in-fill ordinance that we've had a task force working on for quite some time. You've had a number of workshops on it. And we have here Chris Eaton with Eaton & Associates, Angelo Eaton & Associates. We have a couple of people from Current Planning if you have any questions relating to existing code, Mitch Kneipp and Ali Safayi. And I would like to point out that there was a number of new documents or correspondence and letters that have either been delivered to you or some of them that you've just received tonight, about five or six of them. And at one of your recent workshops you've asked for a couple of maps and what we've got up here on your left are two maps that we've tried to put together that identify some of the in-fill potential. And you'll have to forgive the maps, the detail, they're pretty small, and so I'm not sure if those of you more than four feet away can really see them so you might want to take a look at them up close.

Both of these maps deal with the in-fill potential in two different ways. The one on the left basically deals, identifies those maps or those lots with in-fill potential on all lots that meet the criteria for lot size in the single-family zones in the city of Vancouver and unincorporated urban areas of Clark County. Both of them have the same legend. The blue are the lots that are 10,000 to two and a half acres, 10,000-square feet to two and a half acres. Purple is two and a half to four acres. Yellow is 10,000 to two and a half acres with greater than 50 percent critical land. Green is two and a half to four acres

with greater than 50 percent critical. All the property you see is zoned between R1-5 to R1-20. They're located within 1,000 feet of water and sewer lines. And they do not include criteria for being surrounded by urban development because the definition for what constitutes "surrounded" hasn't been decided yet. And it does not include restrictive covenants that may be on some of those subdivisions that would say you can't do in-fill or you can't do duplexes or something like that. The one on, the map on the left shows, does not, shows all lots without consideration of what lots might be vacant or underutilized. The one on the right is probably the more realistic map. It shows those that are most likely to develop and does consider the vacant and buildable lands model for lots that have been considered vacant or underutilized.

On the table in front of you you have two matrix that identify what kind of acreage we're talking about. The first one deals with the map on the left which shows that there are approximately 48,000 lots or parcels that would qualify under the raw acreage as I've just outlined. Excuse me, 48,000 lots and 23,000 potential acres. The second map on the right, which excludes the lands that are built up, built upon or that are vacant or underutilized, excuse me, and that shows that there are 8,667 existing lots out there and there are a total of 8,791 acres that are subject to or the potential for in-fill development. So with that I'd like to turn it over -- unless you have any questions on that map, on those maps, turn it over to Chris Eaton.

LEIN: Any questions of Mr. Higbie first?

DELEISSEGUES: Not yet.

LEIN: Ron?

BARCA: No, not at this time.

LEIN: Okay, thank you. Chris.

EATON: Thanks, Mr. Chair, Commissioners, it's great to be back in front of you again. What I thought I'd do this evening for your benefit and for the benefit of the audience is to go over an overview of the project, briefly describe the ordinance itself, including the related amendments in Chapter 3, talk a little bit about the changes from Draft No. 3 to Draft No. 4, so that's since you last saw this since your last work session, go over some of the policy considerations in Chapter 3, briefly touch on the additional materials that are present in your notebook and then go over the staff recommendation and the staff report.

So, again, as an overview for this project we started back in April of 2001 and between April and December of 2001 we met with staff and then a task force to develop the draft code language for the in-fill ordinance. The task force was made up of nine citizens. Again, this was a joint effort with the Clark County and the City of Vancouver and so we had representatives from both jurisdictions representing both neighborhood groups and

the development community on the task force. They met approximately once a month, twice a month in some cases, and were very diligent in their attendance and their desire to work through complicated issues and deal with conflicts between them, often coming up with kind of negotiated suggestions for the draft ordinance language. They actually went through two drafts of an ordinance and kind of put forward Draft No. 3 as the result of their and the conclusion of their deliberations and as with as many consensus points as they could and we reviewed that in your work session earlier this month.

We have entered into kind of the third phase of the project, the adoption phase, including this hearing, your next hearing and then going on to the Board of County Commissioners. The staff has issued a SEPA report that comes with the staff report with a determination of nonsignificance. If you would please flip to the Chapter 2 or the actual ordinance, I just want to briefly go over those sections. The in-fill ordinance itself, kind of the primary piece which is a replacement in Section 18.406.020.Q what used to be a relatively short section of the code which is proposed for complete deletion and to be fully replaced with the ordinance as put forward in Draft No. 2, I'm sorry, Chapter No. 2, there are six sections to this ordinance.

First is the eligibility, as we discussed at your work session. This is probably one of the more crucial points. The maps that Bob has described are an attempt using the County's GIS system to give you a picture of what does this eligibility criteria look like when you map it. And as Bob mentioned and the map on the left shows the in-fill, this in-fill ordinance and the criteria and the standards and the process as contained here, herein are going to apply regardless of whether there is an existing home or whether the parcel is vacant and so we wanted to give you that sense of that map on the left of the full breath of properties that could potentially be affected so the task force spent a lot of time talking about this eligibility criteria.

The second section has to do with definitions. We're defining some particular terms that would, that apply only to this section of the code and they're listed here, very particularly in-fill parcels and in-fill development to be very clear about what qualifies for use of these standards. There's a fairly standard section, Section No. 3, about relationship to the rest of the code that clarifies how this section works with other sections of the code. Section 4 is procedures. And the new thing here really is the provision for not only neighborhood attendance at pre-application meetings, but the ability of neighborhood representative to participate in that pre-application conference. That would be a special thing just for in-fill processes and for in-fill developments that were coming in for review.

And then besides Section 1, the eligibility section, the real meat of the ordinance is contained in Section 5 and Section 6, and that's the standards. The ordinance lays out two kind of tracks, Tier 1 and Tier 2. Section 5 describes Tier No. 1 and this was a proposal developed through the task force to have one track that would be relatively easy and provided extra incentives and flexibility tools to some degree for in-fill development, but would really not go beyond many of the existing standards that apply

to other single-family development in the county. And there are some of the key incentives here, the parcel averaging, the removal of minimum parcel width and depth standards for lots that are created, some more flexible setbacks, and in particular what I think is one of the more major components of the ordinance the additional dwelling types allowed which allows duplexes and single-family attached dwellings in single-family residential zones with some provisions. And then the single-family attached has some additional provisions about how many can be attached, a site process that would get added to the plat so that once a single-family attached subdivision goes forward there are some specific things that the actual development can look back to that are recorded with the plat.

And then Section 6 is the Tier 2. And Tier 2 was seen as a track that was for more intense in-fill development. It allows a density bonus and it has kind of in trade for that a neighborhood meeting required, and this is something where the developer would notice, notify adjacent property owners, neighborhood groups, about a meeting that would have to be held prior to submitting an application. The neighborhood representatives on the task force felt that this being this involvement in the process where density, for example, was going to be increased was a good trade off for them, and kind of rather than assigning a long list of design standards to this tier, to this track, they preferred the interaction with the neighborhood meeting. The table in Section 6 is about the density bonus and gives the minimum lot sizes that would be allowed and quantifies that.

And that's pretty much it for the ordinance itself. I wanted to quickly go over a couple of the related amendments that occur and are being recommended in Title 12, and those are in Chapter 3 immediately following the text of the ordinance, and those are the exemptions from street improvement standards for certain in-fill projects. So I'm on Chapter 3, Page 3. And we had a very healthy discussion and some good suggestions from you at your work session and have reworked this section from Draft No. 3 to be rather than an amendment to the modification section, the road modification section, we've added an exception to the frontage roads improvement section of Title 12, but the criteria and the actual language didn't change, it was a change in where it was located and how that would be applied. And the second related amendment that is coming forward is relates to road standards, so on a couple of pages out on Chapter 3, Page 7, Page 8, includes basically what is a reinstatement of the in-fill road policies and standards that existed in the prior ordinance for in-fill, and that is an In-fill Road A and in In-fill Road B. We wanted -- well, I'll just stop for a second. That in sum is the total of kind of amendments kind of very specific ordinance changes that are being recommended at this time.

Let me pause for a second and go back and review the changes from Draft No. 3. One of the things that you may see missing when you're looking at Chapter 2 is a discussion of one of the incentives that has been removed and that's -- we had a section under "procedures" about allowing nine lot subdivisions to be processed as Type II, as a short plat, with the thought that that was allowed under Washington State Law. Upon further

review by the County counsel his reading of that section of the Washington State Code is that that actually only applies to cities and towns and so the county is not eligible to use that provision. It's something that wasn't, hadn't been brought up before, so although that had been a task force consensus point and a staff consensus, that's something that is no longer present in the draft. And I'm sure, Rich, if you have a question about that he can help us with his interpretation.

Because of that you may also notice a minor change in the roadway standards. We had made this kind of conforming change to allow up to nine lots under In-fill Roadway A, we've now brought that back to eight. The reason for that change was to match with that nine lot short plat. The staff wasn't concerned, the road, the public work staff were not concerned about adding one more lot, but we weren't sure that the rationale was there anymore. So that's another minor change.

We've also clarified the site plan process for the single-family attached. There had been some confusion at the Commission level and members of the task force that there was actually another process being required if you developed single-family attached houses or townhouses under the in-fill ordinance and that was not the intention. The intention was that there would be a site plan review, not a capital, capital P, capital R, but actually just a simultaneous review. And in fact sometimes they're specifically exempt from State planning review processes in the other sections of the County code, so we've tried to clarify that both with the legislative notes and the commentary, as well as just for you here, and using different language to describe what that process might be called.

I mentioned that the staff -- at your work session I mentioned that the staff had some what I would call editorial comments for consistency with the rest of the code. Some of those you may have picked up on. The notice time frame used to say 10 days, it now has 15 days. That's for consistency with other notice provisions that the County has in other parts of the code. We've clarified on page, Chapter 2, Page 9, the table on that page has been clarified to specify minimum parcel sizes for detached single-family and attached single-family, a recognition that single-family attached units need smaller lots, need to go down to smaller lots. This is a part of the ordinance that is providing for a parcel averaging, it does not mean extra density, the overall site density is to remain the same, it just allows clustering and that's to try and get at allowing for additional flexibility when planning on small lots.

That covers the changes, really, that have taken place from the last draft. I did want to add a clarification and just emphasize to you regarding the related policy issues that are found in Chapter 3 and to be clear with you that as we talked about in your work session as a text recognizes these are important considerations and if you so wish, and I'm sure you'll be hearing about this in public testimony tonight, that you may recommend and as is kind of laid out here, you may recommend that some of these go forward for action to the Board when you make your recommendation. The staff and project team didn't have specific recommendations for them in part because we felt we

didn't have enough to analyze. That does not mean that you as a policy recommending body can't make that recommendation to the Commission, so I just wanted to be real clear about that and the status of those policy issues.

Also in your notebook we have included a public involvement report so this gets to some of the additional materials that you have. This is a full record, not only a summary description of the process that occurred but a full record of all of the meeting notes from all of the task force meetings. I think there were a total of seven meetings, summaries of the two open houses that we held which we called Round Tables where the public came and talked to us, summaries of focus group feedback and copies of all the press releases. In addition we have following that what we generally called a Tracking Matrix, and it is a table that draft by draft starting with Draft No. 1 and all the way through Draft No. 3 paraphrases and summarizes comments that we received, who gave them, when those comments were received and what the response was. So, for example, you know, we had a comment about cottage development early in the process which was part of Draft No. 1 and the response was cottage development was removed. So that kind of commentary is provided. And again, that's provided for your review and your background so that if -- since you weren't able to attend all the task force meetings, you can track the changes that were made over time. And in a sense the hope is here to get an understanding of the types of proposals that were on the table and taken back and put out on the table or changed over time and be able to get a picture of that.

I thought what I'd do is just go over the staff report, policy issues, close with summarizing the staff recommendations and then be available for your questions. The staff report summarizes what I -- and I'd like to talk about kind of five major policy areas that remain unresolved at this time. After all this work, after all the consideration so far, and, again, these are issues I think you'll be hearing about, we've seen in the additional comments that have come in in the form of letters, and I'm predicting you'll hear about them from the testimony today, the first policy issue is how much land should be eligible for in-fill standards and this gets to the eligibility criteria. We've tried to provide maps that illustrate areas that would be affected and could be eligible for in-fill and those that are likely to use it.

As we discussed in your work session, some of the ways that this comes out very specifically in the code is discussing how much you feel that in-fill should truly represent lots that are passed over, and the way we get about this is a discussion of how much they are surrounded by urban development and what exactly is urban development, and that's that percentage of nonstreet perimeter that's developed. Right now the draft puts forward, continues to put forward a range from 25 percent to 75 percent. So if you on the lower end if that is a lower percentage in the standards or in the criteria for eligibility, then more parcels will qualify; if that's at the higher end of that percentage range, then it will be tighter and it will let fewer parcels will qualify. So that's just kind of a summary of what that issue is and kind of where it's not resolved.

There are other issues kind of within that eligibility criteria that you may have questions about, but that's the one that remains kind of unresolved, how much lot flexibility should be allowed, how much, you know, this has to do with are there enough incentives that are dealing with on these very small parcels and we're really, you know, one of the major things that has not been debated for quite some time at the task force level and has been accepted is that we are talking about lots or buildable area that are two and a half acres and smaller. So again, just for sense of scale, those are developments in these zoning districts where the range of development is going to be at the most about 12 units in that buildable area size, but so within that when you're looking at trying to maximize a development potential, maximize the ability to capture and use land efficiently, how much flexibility do you need and have we gotten that enough in the code. And this comes out as in some of the tables that are in the draft. Again, we've used italics and brackets to try and indicate to you where there might have been either a new proposal or a range of lot area, for example, that the task force didn't quite get to consensus on. And again, you know, so those ranges represent different policy choices, do you want to be more flexible or would you like to be less flexible.

The third policy issue is about design parameters. As I mentioned there are few design parameters and design requirements in the ordinance, and the discussion at the task force level related to that was that participation in the process and information about the process was more important to the neighborhood groups than trying to define design parameters such as roof pitch or requiring alley access for single-family attached for example, those were things that we discussed and that were not included. So that remains a question for you, if you want to add design parameters in order to capture or try and define compatibility, that's not something that's coming forward in the draft and nor has it really since the first draft. And related, you know, which is design parameters about, there are design parameters really about site-related features and then there are design parameters around architectural features, and, again, the task force is not forwarding either of those suggestions to you in any, in any major way.

And I'd say the fifth issue for you to consider is about the related policy issues, and particularly the fiscal ones, fee reductions, you know, do you feel like if there is not enough incentives included in the extra density, the extra flexibility in lot size, the extra dwelling unit types that are allowed on these parcels in single-family residential zones, should you recommend to the Board that they adopt other provisions like reduced application fees, a special permitting time frame that it would be shorter and would be guaranteed to be shorter, those are things that are put forward for your discussion and possible movement, movement forward. The staff report goes through comprehensive plan policies, conclusions and does recommend that you forward a recommendation of approval of the proposed ordinance.

On the last page of the staff report there are some specific recommendations that the staff had that for some their recommended changes to what's in front of you tonight. They have throughout the process noted that using the ineligibility criteria the current draft allows for a measurement of net build, two and a half acres of net buildable land,

the staff is concerned this is going to cause confusion and work at the counter and confusion among property owners who own property about whether their property might qualify for in-fill development or not. And you can kind of see some of that in our attempts to and the staff's attempts to map this. It's difficult to understand how much critical areas people have, that usually takes a delineation of some sort, so you have to go through a fair amount of work to even understand are you within the threshold of lot size. So to simplify that the staff is suggesting just making it a straight based on gross acres, two and a half acres.

They also are recommending not to include In-fill Roadway B, which is the 12-foot wide roadway. We had input from the Fire and Life Safety providers of Clark County, as well as from our own, the County's own public work staff, that these roadways were not adequate and they would prefer that they would just be the one in-fill roadway based on In-fill Roadway A. They suggest that there be continued work in the County Community Development's Work Program on improving structural design or architectural design and setting standards not only in in-fill but on a variety of residential zoning districts. They further recommend that there be -- around the issue of neighborhood meetings that there be some specific work done to help to clarify that process and how it works and set up some guidelines, and that they recommend that you continue to study, that there be further study after the adoption of the ordinance about the related policy issues, when there can be some more quantification of exactly what the fee reduction impact might be, for example, on a cost basis. So those are their recommendations. Bob and I are here to answer any questions that you might have.

LEIN: Questions of staff?

DELEISSEGUES: I have a question why the task force recommended to delete In-fill B Road Standards?

EATON: Again I tried to summarize, they heard from Fire and Life Safety personnel, we had a visit and testimony, kind of testimony as it were from someone from the Clark County Fire Chief's Bureau that the -- they were very concerned about narrow roads for passage of their trucks to get -- especially dead-end roads where they had a lot of trouble turning around. And the specific concern, just to articulate it a little bit more, was they need to get trucks as close as they can to the door. They often are delivering emergency medical services in a fire truck, they're often the first to respond, and so if they can't get closer, then they're having to carry all that equipment down a roadway where they -- if their truck can not pass. And the task force didn't have a lot of debate about it, it was, you know, they recommended, you know, in terms of new road standards everybody seemed pretty comfortable with that just In-fill A provided the flexibility that they needed.

DELEISSEGUES: I was just looking at your material you sent out where Olson Engineering took a look at six proposals that seem to meet the intent of the in-fill ordinance, and in two cases out of the six one of them was just 2.51 acre, you know, it

seems like that 2.50, is that, that it, I mean 2.51 isn't going to qualify, I mean I think questions like that, and then the other four don't seem to be economic. In fact it looks like it was more feasible, economically feasible, under the current ordinance than it will be under the in-fill ordinance in almost every case. Well, a couple of them anyway, two of them, and is that based on Draft 4, is that the latest in-fill ordinance that they used to develop these cost estimates?

EATON: Yeah, just to clarify for the record, it wasn't the County that contracted with Olson Engineering to do that work, I believe it was the Home Builders, and so my look at that actually it shows that on a couple of the cases that they were getting extra lots, there was anywhere from like a 14 percent to a 20 percent increase in the density on the project. So, you know, I think you can look at that report and draw some different conclusions.

LEE: It was based on Draft 3 and not Draft 4.

DELEISSEGUES: Well, it's usually based on the limitation of --

EATON: I think it says draft -- it's based on Draft 3.

DELEISSEGUES: -- the lots in the city and not the lots that would be allowed then in the county as I understand it, which would only be, what, six; is that right?

EATON: I don't know that there seem to be any distinct difference in processing as I, as I read through their memos about the planning process based on going from a Type III to a Type II. And that was a comment that we heard throughout the process was going from a Type III to Type II didn't -- at least in the current way that those applications are processed it doesn't shorten the time, it doesn't necessarily shorten the amount of work that needs to be done. So I didn't see any real difference in the planning fees.

DELEISSEGUES: I guess my concern is with all the effort that we're putting into trying to develop an in-fill ordinance that will facilitate construction on these parcels and we pick six, and I don't know if the six that we picked were random or the best or the worst or what, but, you know, that's not a very good average of the ones that they figure would have a chance of being economically feasible, if it would even meet the requirements at all. So you start looking at all the numbers of lots that we have up here and if you apply one or two out of six, that considerably reduces the success, I guess, that we're going to have in applying the in-fill ordinance, that if this is any indication of, you know, what the rest of them would be like.

EATON: Well, it's for you to determine whether by the testimony that you hear and based on your review of the ordinance whether it is adequate and should go forward. Again, I'm not sure that was a complete analysis that shows their profit, what a normal profit would be, you know, it was looking kind of very specifically at some of the basic

numbers, but I'm not sure it really is showing all of the considerations and the factors that go into normal development.

WRISTON: I could help you with that, Dick, that's probably pretty good odds. I mean you're probably doing well if you get those odds. Honestly. I mean it's not easy, it's a tough deal. Something's going to, something's going to trap you. You're either going to get, you know, your road width isn't going to work, your site distance on either side isn't going to work, you're going to be wet, you're going to be sloping, you're not going to be able to connect to sewer. I mean there's so many things it's not an easy thing to do and I think that's what that reflects.

DELEISSEGUES: I have one other question, I guess, and it seems like these on Chapter 3, Page 11 where it says "POLICY ITEMS RELATED TO INFILL" it seems to me the unresolved issues that would have a tremendous effect on whether or not this ordinance would be successful, you know, each one of these would be it appears to me that they would almost have to be decided and be part of this package before it went forward and not that you approve an ordinance over here with a number of issues that are unresolved that would have almost the effect of making it either successful or unsuccessful left it says to the Planning Commission or and/or the Board of Commissioners, and it would seem to me we'd want to deal with these things now rather than later because it might affect whether or not the whole ordinance is going to fly or not. That's just, you know, my observation.

EATON: And I take your observation, I tried to be clear that these were things that you could forward on for consideration with a specific recommendation. For example, if you wanted to recommend to the Commission in addition to this ordinance we think there should be a fee reduction of X percent, that would be your recommendation. I wanted to try and be clearer about that than I was at the work session.

LEE: As she had indicated earlier, the limitation is that we can not provide you much in the way of analysis to give you a sense of what the implications of doing this are, it's just an involved effort that we don't have the resources available to do within this time frame and that's the reason that I think she's absolutely correct. If the Commission feels strongly that these things need to be part of the package, you're certainly within your purview to recommend to the Board to consider adopting those.

LEIN: Other questions of staff? Ron.

BARCA: There was some mention about a decision that was made by Rich's office to clarify something, I didn't catch it exactly but you went through it earlier, can you refresh us on what that was specifically, Rich?

LOWRY: Sure. Rich Lowry. Current State law allows cities to increase the number of lots that are automatic, that are subject to a Type II nonhearing approval process, short plats, from four to nine. That law, I don't think there's really any ambiguity, the

authorization only goes to cities. There's another portion of the law that would allow any jurisdiction city or county to increase the number of lots that can be in a short plat if you provide that a short plat process will be converted to a long plat hearing process if requested by any person. My judgment is that one can argue I think persuasively that in many cases it's cheaper to process a land division through the long plat process than the short plat process simply because if it's a controversial project, it's going to end up at a public hearing. Whether it gets to a public hearing cheaply, that is, it's originally set for a public hearing, or it gets to a public hearing only after an earlier administrative hearing and then an appeal to an examiner. So I don't know the issue of whether these are treated as short plats or long plats really has much effect in terms of their economic viability. But the short answer to your question is State law allows cities but not counties to increase the number of lots in a short plat from four to nine.

EATON: And the change, just to be clear, was we hadn't realized that nuance of the law as we went through the process and so we had it in there as an incentive, and the task force I think had made that recognition that right now it didn't seem to add a lot of incentive but they wanted to take advantage of it if they could, but so that, that is, that has been removed based on Rich's analysis.

BARCA: So it's not in the version that we --

EATON: It's not in Draft 4.

BARCA: That was what I needed to clarify, thank you.

RUPLEY: I have one question. Early on in some of the community comments and some of the task force you dealt with comments on design standards and some things and I noticed that those didn't come through, and yet several of the comments that we have in letters tonight, would you review for me how that was evaluated to not deal with that?

EATON: Sure. You may remember, or maybe you don't, when we first met in a joint work session with the Vancouver Planning Commission back on November the 29th we gave you a copy of the I think it was called a workbook, an In-fill Primer and Workbook, that was what the task force started with. And it was a starting point and it was a book that included a whole variety of different ways that you might approach working on, you know, starting from scratch and going forward with an in-fill ordinance. It included things like cottage development, which is kind of a clustering or a planned unit, a special planned unit development, it included different ways that they might approach how to qualify lots for eligibility, you could map it based on criteria or you could actually have a definition, they chose the definition and that included many different kinds of ways to get at design criteria.

As I've said before, there's kind of two different parts to when you talk about design criteria in general. One would be siting standards and one is architectural or building

related. A few of the siting standards have come forward in the draft such as setbacks, some special setbacks dealing with garages, lot coverage is one where it's seen as kind of an incentive, extra lot coverage is being allowed, but some of those that didn't, I'm talking about siting standards now, include, and I think we included it in "commentary" because it was removed towards the end, were related to single-family attached was the consideration in terms of when you have townhouse developments and you have access from the front and, you know, into garages that is one of the main things that those of us who deal with the ramifications or the impact of single-family attached development in single-family neighborhoods is people say there are all these garages and they're all really close together, and I kind of get the sense it's all garages, so it was that an attempt to require alley access if alleys were available or possible and the task force thought that that was too restrictive. And in general many of their comments about siting standards were about was it going to add restrictions when in-fill development was difficult to do.

As you've heard some other Commissioners say this evening, we were faced with something that wasn't happening and we wanted to make as many incentives as possible and those were seen as restrictions. And we went back and forth and those discussions continued. In fact one of the ones that's not resolved is about the number of single-family attached units that are together. Right now there's a range of two to eight and that reflects they weren't able to really get to that kind of siting standard, which is how much open space do you see between clusters of townhouses.

Regarding architectural features, we started with looking at things like having a menu of required standards and saying how about if 3 of these 12 were required and, you know, pick 3 of these 12, pretty much nobody on the task force supported architectural design standards. They were concerned that, again, it was too restrictive. They were concerned about that it that might result in some way of prescribing an architectural style and they were not interested in seeing requirements for things like front porches or how long the snout, the garages, they were not interested at all. And so those architectural standards really received no support, although they were reviewed in the beginning.

RUPLEY: Thanks.

LEIN: Lonnie, did you have a question?

LEE: I just want to, can I supplement that. I think from the perspective of many of the neighborhood representatives the trade-off for no design standards, however, was this review and that's sort of the compromise that the task force came together on.

MOSS: No, Vaughn, not right now.

LEIN: Any other questions before we open it for public comment? We have a sign-up list. What I'd ask if you've submitted a letter or we've got some lengthy documents

here, rather than reading it we'd appreciate if you summarized it so that -- because we've probably been reading a lot of this stuff while we've been going through here. Brad Lothspeich, please.

PUBLIC TESTIMONY

LOTHSPEICH: Good evening, my name is Brad Lothspeich, 4308 NW 118th Circle. I'm the Fire Chief of Clark County Fire District 6, and I'm here also representing the Clark County Fire Chiefs Association which the young lady over here on the left mentioned earlier, and I was the one that testified in front of the task force. We would encourage the Planning Commission to eliminate In-fill B and go forward with In-fill A. 20 feet to us is really the minimum that we can live with. We still have difficulties on 20-foot roads if folks park on both sides. A car takes up roughly six feet from curb under the street on each side, if we have a 20-foot road that's 12 feet of the 20 feet, a fire engine is 10 feet wide from mirror to mirror and obviously we can't make it down the road.

We experience this more and more, it's getting to be a bigger concern to us, especially in the urban areas. We've had several situations where we've probably been 250 feet from a home when it was on fire and several that were in need of medical services, and we are working with neighborhood associations, and plan on doing that more in the future, to try to educate them to help enforce it, the no parking portion of it. No one out there really has the ability to enforce it. The Sheriff has tried, the Fire Marshal has tried, we've tried, and I think it really comes down to the neighborhood groups and the folks that we serve. You know, Christmas or a Super Bowl party or whatever, it's impossible sometimes for us even to get close to houses. So I would ask you to support that on behalf of Life Safety. And if you have any questions I'll be glad to answer them.

WRISTON: I have a question. What about the recommendation of 120-foot minimum length? I think that was, or maximum, excuse me, length, I think that was in there. So you'd retain the In-fill B but it would be limited to 120 feet?

LOTHSPEICH: We would prefer to have 20 foot, 20-foot roads. We have some of those right now. I think the older ordinance was it could go 150 feet on a 20-foot road. We have some of those that we have difficulty dealing with because of on the, you know, I don't want to take too much time, on Option 3 it talks about where parking is allowed on width streets where parking is on one side can result in chronic violations, the street will look wide enough for parking on both sides and so people park there. We obviously have to back out if we were able to get all the way in. 120 feet makes a lot of difference if you're stretching hose lines to fight a fire.

WRISTON: The problem we're facing is that with in-fill, if we buy into in-fill, and I think the question is still out there, at least in my mind whether or not in-fill's ever going to

work is you're, and I said this at the work session, you're developing in a lot of circumstances people's backyards and there's not 20 foot in a lot of these cases between their structures and their backyards and you're going around, you're trying to get around driveways and you're trying to get around easements and all kinds of different things, and, you know, so if this 120 foot was something that the fire district and fire association could live with, and that would be helpful, but if it's still difficult, if it really needs to be 20 feet, then that's going to play in my mind a big role.

LOTHSPEICH: Well, it would be difficult. If you know any, if you've seen any 12-foot wide streets that don't have garbage cans, cars, trailers, motor homes, bicycle hoops or basketball hoops, those sorts of things on them where one car can barely get by, we don't see very many of those. And so, you know, that's our position for the record, and, you know, and that's where it stands.

WRISTON: Thank you.

RUPLEY: Can I ask you a question about the future?

LOTHSPEICH: Absolutely.

RUPLEY: Some of the information out I've read indicates that in the future you may not be responding with your big trucks in terms of emergency, that there may be smaller vehicles that do that. How likely is that to happen and how would that affect or not affect this?

LOTHSPEICH: That is on the Vancouver Fire EMS levy proposal. I'm in the Hazel Dell, Felida, Salmon Creek, Mt. Vista area, we do have a smaller unit that we do respond with and in most cases we're able to on medical calls get from point a to point b. We have one of those for our three stations and it depends on staffing. Most of the departments in the county respond to EMS on fire engines just because of the versatility of the piece of apparatus and they can do more than one thing with it. We have one that works well but we have two other engines that go all the time that are full-sized vehicles. But that's a good question. Dick, do you have a question?

LEIN: Any other questions? Lonnie.

MOSS: No, just a comment that it is a tough compromise to reach here. You know, we're looking at how do we make this work and certainly I understand from your perspective that this is not something at all desirable, yet we've got a balancing act to do up here to decide which I guess where do we make the sacrifices and, you know, it could well be that in-fill is a goal that has enough negatives that we shouldn't pursue it. There are some downsides to it as you've stated here. On the other hand, if we decide that we've got to push ahead with in-fill, we are going to have to make some compromises and I hope you'll take that into account, you know, when this recommendation is made that we do have to view all sides of this.

LOTHSPEICH: Thank you. We understand. We know that you have a hard decision to make and if there's any way that we could make 12-foot unobstructed roads it would work, but I don't know if there's any way that we can do that. Thank you for your time.

DELEISSEGUES: Is there any value, I guess, on looking at something between 20 and 12, like 18?

LOTHSPEICH: If it's unobstructed. Well, if it was 18 and they only parked on one side, we could probably make it. But we'd get into the same situation with that kind of thing probably that we do on 20-foot roads where people park on both sides.

DELEISSEGUES: Yeah, it will look like they can park on both sides but you'd still have 10 feet.

LOTHSPEICH: It's an enforcement issue. And what we have, we're to the point now where we're trying to educate the neighbors and basically say if you let your neighbor park on both sides and your house is beyond that, if there's an emergency, we might not be able to get there. And of course we don't want to create neighborhood conflict, but, you know, it's a fact of life that if we can't get to you, we can't serve you so.

MOSS: Yeah, it is an enforcement problem because under current County code you couldn't park on even a 20-foot wide road even on one side.

LOTHSPEICH: But they do.

MOSS: Yeah, I understand that. Right.

LEIN: Brad, is it the lack of enforcement and lack of staff or lack of teeth or from your perspective?

LOTHSPEICH: Well, I believe the teeth are there because actually on the street I live on there are signs that say "no parking on pavement" that the County put up and I've yet to drive down my street and not have somebody parked on the pavement. I just don't think that -- in our case I don't think the Clark County Sheriff's Office it's not a priority to them, they have a lot other more important things to deal with than people parking on blacktop. And so it's probably a staffing issue. The Fire Marshal's basically in the same boat and so are we. We are starting to develop a brochure and we're going to go through those neighborhoods and we're going to hand out the brochures to the folks that live there, but we don't want to create a lot of, you know, somebody's having a Super Bowl party and his neighbor's upset and then the Sheriff's Office will get there one way or another. So it's a real delicate situation. And I appreciate what Mr. Moss said, you know, I mean you have a tough situation where people have the right to do with their property.

LEIN: All right, thank you. Just a minute. Ron.

BARCA: Has your association looked into other communities that are already developed to dense standards such as what is the proposal going forward? Have you discussed with any other municipal jurisdictions how they handle this situation knowing that in some cases it's inevitable?

LOTHSPEICH: I had a discussion a couple of weeks ago with somebody with the Portland Fire Bureau and they have extreme difficulty in a lot of the older sections of the city getting to, getting their apparatus to the calls as it is. And it's really the same issue, it's the enforcement issue. You can tell folks not to park there, but, you know, if there's a spot there and they're late for someplace, that's what they do. Portland is doing what we're going to start to do, they're trying to work through -- obviously they have a huge Fire Marshal's office, but a public education office. We have one person trying to educate the neighborhoods that, you know, it's a real issue and trying to find alternatives for places for folks to park. Most people have room in their driveway for two cars and they have a Super Bowl party and they invite two of their friends over, where do their friends park, you know what I mean, that's the issue and they deal with it on a daily basis. They have access blocked a lot and it's a tough situation. Up around Seattle a couple of the cities I talked to there, 26, 27 feet is the minimum even on in-fill. But that was established a long time ago and they were able to plan for that as flagged lots and those sorts of things went in for easement, and I think we're beyond that at this point and we're going back and trying to fix the problems.

BARCA: Thank you.

LOTHSPEICH: Thank you for your time.

LEIN: Don Theobald.

THEOBALD: My name is Don Theobald, I live in 1505 NW Sluman Road here in Vancouver. I've attended most of the staff meetings, the Planning Commission meetings here, and I have several issues that I would like to talk about with this report. I'll only talk about two of them tonight, but I hope you'll read some of my other words.

In spite of verbiage all over the place about in-fill being property that's passed over, the wordage in this proposal would allow something like this to be developed as an in-fill property. If this is the proposed piece of property with a two and a half acre single-family dwelling property beside it and a relatively large farm to one side, by the definition of this proposal that's developable by in-fill. I think that's way too, way too easy a definition. One of you gentleman talked about what problem will that cause if we allow such an open definition, and I think that one of the things that they will cause a problem with is that the ease of finding a piece of property this size in the outlying areas of Clark County will drive all the in-fill out to the outskirts and not force in-fill into the center of the city and the areas that are already developed. And I think that also is if

that's allowed to happen and some of the added density bonuses and the transportation impact fees that's going to add to traffic congestion in the outlying areas and you're going to get issues, further issues like you have in Salmon Creek area. Can we move that up a little bit. I would propose that an in-fill definition that really concentrates development down in the areas where I think the spirit of the initiative really intended to look has an in-fill piece of property that's completely surrounded on its non, nonstreet perimeter, so I would propose that you go even beyond the 25 percent to 75 percent range that's proposed and say in-fill is surrounded 100 percent by nonstreet property.

The second issue I have, if you'd turn to No. 3, some of the developers will say that, gee, I have to have a, I have to define "urban development" so large that I need a two and a half-acre lot on one side of it to allow me to develop a piece of property so they'll say, gee, I can't develop property A unless you allow me to define B as urban development. My comment here is by not, by having B, by having urban development defined as something as large as two and a half acres I don't see that there's hardly any acreage at all of Clark County that doesn't meet that definition. By having a definition of, by not defining -- by defining in-fill as something that's two and a half acres allows almost everything and it doesn't take into consideration the local neighborhood and in this instance it only will mean that instead of A being developed as in-fill, you still could develop A as any other piece of property.

So in conclusion, if you will, I would like you to restrict as much as possible the definition of "in-fill" and reduce as much as possible the fees you charge the developers so that the developers have some financial incentive and the neighborhoods have some incentive to not be too disappointed as in-fill comes in and encroaches on their neighborhood. Thank you.

LEIN: Any questions of Mr. Theobald?

DELEISSEGUES: Yeah, I've got just a clarification. Besides the requirement that the surrounded, even in this report it says 25 to 75, I guess that's another unresolved issue, but it also has to be served by urban services so you couldn't get too far out in the rural area and yet be served by sewer and water. And then it has to be within the R1, R6, R7.5, R1-10 or R1-20, it couldn't be out in agriculturally zoned land or anything like that. So with those three criterion, or four, wouldn't that kind of limit the possibility that you're worried about here?

THEOBALD: I guess that's more for you guys to decide but --

DELEISSEGUES: Yeah, okay.

THEOBALD: But I would suggest that --

DELEISSEGUES: You're right.

THEOBALD: I would suggest that the looser the definition, the farther out and larger and larger lots and larger and larger neighborhoods the -- my suggestion is the developers will find those easier and more financially feasible to develop than, you know, tiny lots deep in the city of Vancouver are very close in. And I would also suggest that the vast majority of the properties you're going to look at are in the smaller than very much smaller than two and a half acres if you really want to look at property that is completely passed over. The Number one --

DELEISSEGUES: I think our intent --

THEOBALD: -- that I showed you is a piece of property that certainly has not been passed over, but if you allow that definition those properties will be defined as "in-fill" and there will be people in here asking for that definition to be applied for their developments.

DELEISSEGUES: Okay, thank you.

BARCA: Can we go back to your Figure 1 and explore that a little bit, please. So based on the criterion that was put out this 20-acre farm has to be in zoning that's already of a residential nature; correct?

THEOBALD: It would have to be in zoning that's R-20, I believe, and there would have to be sewer and power available within a certain distance of this piece of property, but this piece of property wouldn't necessarily have to have sewer on it by the present definition. This could be, you know, a farm that's, that's in an R-20 lot, an R-20 zone, but --

HIGBIE: He's referring to the criteria on page, Chapter 2, Page 5.

THEOBALD: All that would need to happen is sewer and power available to some reasonable point for this piece of property and this to be in an R-20 or less zone and that would meet today's definition of "in-fill."

BARCA: And then the description based on what we're saying is then it would be broken up or platted in an acreage of two and a half or smaller to meet the in-fill criteria also?

THEOBALD: If I come and buy this piece of property from a guy who owns the farm and so I say I want a two and a half-acre piece and then want to develop it as in-fill and it meets this requirement.

BARCA: That's what I was trying to understand. As opposed to the farm being developed wholly under the same zoning criteria, the suggestion is that it would be broken up into smaller parcels to allow for --

THEOBALD: To allow for in-fill.

MOSS: That's not possible under County code today. You couldn't break that into two and a half-acre parcels.

EATON: Mr. Chair, if I might just to clarify, the very first eligibility criteria is that the chapter applies to parcels that are created prior to the adoption date of the ordinance and it's specifically to get at somebody coming in and breaking up land just to create two and a half-acre parcels. So that's actually one of the things that he said is not exactly accurate.

MOSS: Yeah, I would like to talk about that a little more, whether now or later is the best time to do that I'm not sure, but what you're describing isn't possible under County code today, you can't create two and a half-acre parcels out of a 20-acre parcel because you'd violate the maximum lot size standard. So that's, you know, a further question is then why are we worried about whether these parcels exist today or tomorrow, you know, there are a lot of ways that a two and a half-acre parcel could be created just by putting a road through a property and shouldn't we then consider it tomorrow. I'm talking about a public action to put a public road through. I'm wondering, I don't see the opportunity for abuse here as has been laid out so I wonder why we even worry about whether those parcels are created today or tomorrow. For those who didn't understand what I was saying that we do as well as having a minimum parcel size in each zone we also have a maximum parcel size. So if you're in an R1-6 zone you have a 6,000-square foot minimum parcel size, but you have a 8500-square foot maximum parcel size so you can't create two and a half-acre parcels that way.

HIGBIE: Boundary line adjustments, and the one issue that I'm, the one historic issue I'm familiar with is creating an in-fill parcel, by creating an in-fill development let's say on the two and a half-acre parcel on the left and then using that, that development to which then didn't meet the definition for "urban development" at the time when it is approved for an in-fill, then it does meet the in-fill criteria as being urban adjacent.

MOSS: Your ordinance says proposed won't stop that.

HIGBIE: And that would then be used in turn to call the next lot adjacent to urban, that's --

MOSS: You can do that under your proposed code. The lot exists today. We don't say that the development has to exist adjoining it today, we just say the lot has to exist.

HIGBIE: Okay.

DELEISSEGUES: But, Bob, those parcels wouldn't have been created prior to the adoption of the ordinance, would they?

MOSS: Yeah, they were.

DELEISSEGUES: I mean those that he's talking about.

MOSS: The situation that you're talking about has been described to me a couple of times, and I had no involvement in that, I want everybody to know that, but I'm really kind of surprised at the amount of displeasure that seems to have been caused by that. As I understand it a developer developed one parcel instead of all of his holdings and then had a smaller parcel that thereby qualified for in-fill development that he came in with next. Now somebody may say that's an abuse of the rules but I fail to see how it is, and I wonder why are we trying to make, to cure such a problem. I frankly don't even see the problem here. It seems to me the whole thing gets down to a philosophical issue and that's that, which we're going to have to discuss in a lot of detail, and that's that given that we have included parcels that are two and a half acres and smaller in the vacant buildable lands inventory for the first time, what are we going to do to ensure that those can develop, if anything. And I think that's a, you know, the jury may still be out on whether including those was a really good idea, but having already made that decision, what are we going to do with them now. Do we want to encourage all those parcels to develop or do we want to say, no, we really didn't mean that. I don't expect an answer to that, that's a rhetorical question.

HIGBIE: Well, I'm glad it was rhetorical.

LEE: There was really three issues that the Board directed us to investigate through this process. One was the clear definitions, the second was the issue of compatibility with the surrounding neighborhood where an in-fill proposal may be issued, and the third is the incentives issues. So those are kind of the three issue areas we focused in on. I think there at least has been some feeling described to us that probably the connection would be the compatibility issue where a proposal such as this then came in and perhaps exercised the density bonus provisions of the ordinance that has been placed on hold while this one is being developed and they felt that raised compatibility issues. So I think some of the rationale for putting forth something like this is ground in that type of thought.

MOSS: No, I don't want to at all take away from the compatibility issue, I know that it's a big one, but it isn't just confined to in-fill, you know, we've had very difficult situations trying to develop 6,000-square foot lots next to 20,000-square foot lots without doing in-fill at all and yet that's the zoning. So it's, you know, I think it's a difficult thing no matter where we try to develop. The fact is we have decreased the lot size from what it historically has been in this county and it's real painful for a lot of neighborhoods to accept that and I can understand why.

LEIN: Any other questions of Mr. Theobald?

BARCA: Yeah, Mr. Theobald is standing very patiently --

LEIN: Yes, he is.

BARCA: -- as we ramble away. I was wondering did you provide us with the figures that you showed here? Is that available for us to have? Did you make copies of that or --

LEIN: They were just passed out. Did you not get one?

BARCA: Did they make it all the way down here?

THEOBALD: There aren't any numbers associated with that but --

BARCA: I've got mine now, thank you.

THEOBALD: -- your copy is in there, yes.

BARCA: All right. Thank you very much.

LEIN: Thank you, Mr. Theobald. Dale Robins.

ROBINS: I'm Dale Robins, my address is 6814 NE 93rd Court, I'm in Vancouver. I was a task force member. I sat through the committee. The committee was about seven people. There was two neighborhood representatives and five people I think that leaned towards the development community, not that it was not fair but it was weighted, the discussion, I think. I'd like to address a couple, I think, issues.

I think the staff and the consultant did a great job of working with the task force. There are some issues that have been raised, and one was raised by the last person, about the definition. It is one that I think neighborhoods are going to have a real concern about. Again, I'd go back to what -- I did a lot of reading on the issue before serving on the task force and I came up with what I thought was a fairly consensus definition of what in-fill development should be from articles I've read. And I found most of the articles on the Internet. It said in-fill development is the process of developing vacant or underused parcels within existing urban areas that are already largely developed. A successful in-fill development program focuses on the completion of the existing community fabric and it should focus on filling in gaps in the neighborhood. I mean that's the key.

Now the question was, is, we had the discussion at the task force, well, is the urban area everything within the urban boundary or is it where there's currently urban development, and that's the issue that you're going to have to struggle with also, and I think the definition is fairly loose and will allow opportunities for abuse. The old ordinance allowed opportunities for abuse. In my neighborhood we had one in-fill development come in, got eight parcels approved, a month later they came in and

asked for seven parcels on the neighboring property so they developed about three acres, got a 15-lot subdivision. Was it abuse, I don't know. The biggest complaint was the smaller lot size and I think we addressed a lot of those issues with the proposed ordinance.

I think there's three things that are going to make the ordinance successful if it's going to be successful. Number one, we need to remove the barriers for in-fill development. We need to be flexible. And I think the task force came to a lot of consensus on those issues such as parcel size averaging, setbacks, allowing duplexes and that gave a lot of flexibility to the developers. The second thing I think that will make in-fill development successful is making it attractive or profitable. That's where Chapter 3 discuss some of the things such as modification of road standards, stormwater standards, fees, taxes and those things. Those are things that the task force basically didn't have time to fully grapple with but said we want the Planning Commission to deal with those issues. And I think there's going to have to be some kind of incentive to make it work. And I think the third thing is, and it's been discussed, is the development needs to fit into the existing neighborhood context, you're going to have a lot of complaints if you don't. The issue is, yes, zoning has changed, there are -- lot sizes are smaller. You go to 20,000-square foot lots, all of a sudden 6,000 are allowed, all of a sudden in-fill comes in, they're allowed to put 5,000-square foot lot. I mean how much do you allow the compounding of the problem without the neighborhood getting upset. A lot of the things in the proposed ordinance I think help that. Allow the neighborhoods to participate in the pre-application conference, allowing a neighborhood meeting if they're going to go beyond into that Tier 2, I think it's going to allow the neighborhood to get educated and to have input into the process and those things are going to make it work.

I think there are some things that I really felt strongly for that I got shut down on on the task force, but roof pitch I think is an issue that needs to be addressed. This can help compatibility. It seems like a minor issue, but what it really does is the two things that neighborhoods really complained about previously the in-fill ordinance was small lot size and incompatible housing, roof pitch addresses and would actually limit mobile homes with the way they're currently designed. And it doesn't have -- for a general home it's not a restrictive issue at all to them. Also I think the number of duplexes allowed is another contentious issue that I had. One out of three lots could have a duplex on it. You have predominantly single-family detached homes, all of a sudden if you have a lot of duplexes come in I think that's going to be a concern for the neighborhood, you're going to get a lot of comments.

So in conclusion I guess I would ask you as you read through these things, you know, think about how would you like this in your own neighborhood. Would this be something you'd want next door to you or within close proximity to you. And it is possible that those things could happen. And I know it's a tough issue, the task force tried to do it as much as possible, you're going to be dealing with quite a bit too that we were unable to resolve. And that's really my comments. And thank you. And if there's any questions I'd answer them. Or I'd try to.

LEIN: Ron.

BARCA: The concern about roof pitch, is that in your estimation primarily focused around the aspect of mobile homes?

ROBINS: Yes. I was probably the main person to raise that issue.

BARCA: So the aspect of standard type structures and roof pitch was not the general issue?

ROBINS: You can't require on stick built homes versus manufactured homes by Washington State law is my understanding. The only way to get around it is with the roof pitch.

LEIN: And modular homes can have a higher roof pitch than a typical mobile home situation. Lonnie.

MOSS: Dale, you mentioned the concern of the neighbors that are in close proximity and that let me ask you a question. One of the things that's recommended here is that the area of or the zone of notice at least be increased from 300 feet to 500 feet. I was trying to imagine how many neighbors might show up to one of the meetings and did some simple math and said in an existing 10,000-square foot neighborhood that that 300-foot zone increasing to a 500-foot zone would result in 160 some potential houses or homes being notified rather than 75, and I was wondering, you know, even if a relatively large percentage of those showed up would you need to rent a hall to hold this meeting? I mean just getting into the logistics of this, but I really got wondering are there, if we're talking about in-fill, small in-fill development, is there a serious need to notify people that are as far away as three, over 300 feet from the development? Do you think that there's that much interest?

ROBINS: I think there was a number of issues that brought that up. I think the City of Vancouver's ordinance says 500 feet and that was one of the things that I think drew the task force to the 500 feet issue. But, yes, it's amazing. We had an in-fill development in our neighborhood and the hearing examiner, there was 40, 50 people that actually showed up. I can't get that many people to come to a neighborhood meeting, a regular neighborhood meeting. I mean it's a contentious issue. People are concerned about what's coming into their neighborhood and that's one of the things that will actually get people to participate.

MOSS: Well, I would think that it certainly would for the hearing itself, but I'm wondering about the neighborhood meeting that you're talking about and --

ROBINS: Yeah, I think they will. They'll be concerned about something coming in. I think you'll have a great number of people show up. And the 500-feet radius is

probably not really enough, what needs to happen is the neighborhood probably needs to notify people beyond that. I mean up a linear street I think the area of influence could even be further.

MOSS: Thank you.

RUPLEY: I have a question. With the incompatible housing and some of the things that you've talked about versus flexible, I'm struggling with trying to figure out where we go with this. Give me an example of other than what the same lot size that you have in your neighborhood is that you would consider compatible with your neighborhood.

ROBINS: Well, I think that's a real issue and on the task force we dealt a little bit with that. We didn't want to get too much into architectural design standards because compatibility's a tough issue to define, it varies neighborhood by neighborhood and it changes over time. I hope what really happens is when the developer comes in he looks about, what's around, and says how can I make my project fit within this area and not stick out like a sore thumb. And it, really it's going to have to come down to the developer being smart about what he puts in.

RUPLEY: And so you see that neighborhood meeting being where you would have those issues to resolve?

ROBINS: Not really. I see the neighborhood meeting more of an issue for the developer to come in and work with the neighborhood and say this is what I want to do in the community, in your neighborhood, and have them be educated, not an opportunity for the neighborhood to lynch the developer, which it could turn into if it's not done right. In our neighborhood I know, in the last few years, we've had a couple developers come in with fairly large apartment complexes, they've met with us early on, there have been some people that have been a little bit upset at first, but as we've had a couple of meetings with them we really have had no problems. And, you know, it's amazing when we say that there's going to be a 250 unit apartment complex coming in, we get quite a few people show up at our neighborhood meeting. And with both cases they were large developers who had the finances to show up and deal with this and they did and it worked out wonderful, the neighbors were happy. They practically made no changes to their design, it was more of an education process.

RUPLEY: So your next flier for your neighborhood meeting just say let's talk about in-fill and you'll get them all there.

ROBINS: They don't know what in-fill is so it won't, you have to explain that to them.

RUPLEY: Thank you.

LEIN: Anything else for Mr. Robins? Thank you.

ROBINS: Thank you.

LEIN: Valerie Britt-Kalberg.

BRITT-KALBERG: No.

LEIN: Okay, thank you. Patrick Holmes.

HOLMES: I'll pass too, thanks.

LEIN: Lynn Degerstedt.

DEGERSTEDT: I have no testimony to offer, but as a member of the task force with Dale Robins I would duplicate his comments.

LEIN: Thank you. Della Helmick.

HELMICK: Hi, I'm Della Helmick of the West Hazel Dell Neighborhood Association. I hadn't really planned on speaking, but I guess I'd make a couple of comments. Do I need to give my address?

LEIN: Please.

HELMICK: 901 NW 87th Street, Vancouver, Washington 98665. That's over by Jason Lee for your information. I guess the first thing I'd like to say is that I support what Brad was saying about dropping the In-fill B, the 12-foot road standard for the reasons that he said, primarily safety and the enforcement issues. One thing we're kind of lucky in our neighborhood is that we're so built-out that in-fill's not really going to be a problem, but, you know, for other neighborhoods some of the things that I found to be important is neighborhood involvement I think is going to be the key to this working. I mean it was a trade-off. The neighborhood out, you know, us asking for the neighborhood meeting was a trade-off of let, you know, of letting in-fill come in basically with the advanced notice. I think that we'll identify, you know, the differences, the problems that are going to happen and hopefully this will save money for the developers later on with appeals and, you know, through the whole public hearing process. Excuse me. And as far as the design standards, part of the reason that I think that that didn't really play a big part is that it's just too difficult to define "compatibility." I mean with everything that goes on, you know, it's there's just, it's just too much of a difficult thing to do.

As far as the neighborhood involvement, I support moving it to 500 feet. I think that is important. My lot is like 90 -- well, actually it's kind of a large lot for an urban area, it's a like 110 feet by 90 feet so, you know, when you have that size, 300 feet doesn't mean much, you know. And I think giving us a voice at the pre-app would be a very good thing to do because -- and especially if you decide not to have the neighborhood meeting, make it a requirement. And I'm all in favor of staff facilitating that public

meeting or that meeting between the developers. I really would like to have that because most of us neighborhood folks are just folks, you know, we don't understand all this and we need somebody to help us out, help us understand the facts. If there's any questions.

LEIN: Any questions? Thank you very much.

HELMICK: Thank you.

LEIN: Jessica Hoffman.

HOFFMAN: Good evening, my name is Jessica Hoffman, I'm with the Clark County Association of Realtors. Our address is 1514 Broadway, Vancouver, Washington 98666. I submitted written testimony earlier in the week so hopefully you've all got that. I just wanted to summarize a few points, I won't go on all night long.

The Clark County Association of Realtors believes that in-fill has the potential to provide housing opportunities at higher densities which will aid in preserving the environment, provide affordable housing --

HOLLEY: Could you please slow down.

HOFFMAN: Oh, sorry. Pardon me. I can start all over again. The Clark County Association of Realtors believes that in-fill has the potential to provide housing opportunities at higher densities which will aid in preserving the environment, provide affordable housing and support new businesses by providing adequate housing for employees. Since in-fill is a public benefit, and developers are providing that benefit, CCAR believes that requirements under this ordinance should be at least restrictive as possible to encourage more development. Along those lines, the Association also supports removal of neighborhood meetings, the neighborhood meeting requirement for Tier 2 for two reasons: The need for facilitator and the cost of providing professional support to a developer, that can rapidly increase the price of a project.

Another important aspect is the incentives needed to encourage in-fill type development. Incentives that could be included in this ordinance are reduction of application and fees and processes, waive, reduce or suspend impact fees, create regional stormwater facilities and allow in-fill plats to contribute and offer tax abatements. Incentives are necessary to encourage developers to build lots making housing affordable and for creating housing availability for the children of our communities. Further, Section 2.2.6 in the Framework Policy Plan reads: All cities and towns are to encourage in-fill housing as the first priority for meeting the housing needs of the community. Clark County can be the standard for all other cities' ordinances by providing as many incentives as possible at the outset of this ordinance, and then reviewing the ordinance after a period of time to examine what incentives succeed, both for incentives for developers and the neighborhoods. And on behalf of Keith Pfeifer, he

was a member of the in-fill task force, he asked me to submit his written testimony also. Thank you.

BARCA: Excuse me.

LEIN: Jessica.

BARCA: You are specifically stating that you would like to see the neighborhood meetings removed from the ordinance. Are you aware that the Clark County Home Builders Association has approved the neighborhood meetings as in favor of that?

HOFFMAN: Yes. The reason, the major reason that we suggested that they be removed is that at a work session the Commissioners were unsure that staff could facilitate those meetings, and without an impartial facilitator we felt that it would be impossible to have good communication in those meetings between the developers and the neighborhoods.

BARCA: Okay. And the documents that you supplied such as this "Planning for Quality Growth" it talks about addressing barriers and recommends a strategy of implementing public relations programs --

HOFFMAN: Right.

BARCA: -- which would include neighborhoods.

HOFFMAN: Right. And we were trying to as an association in trying to improve communication with the neighborhoods and work together on more of these things. The only reason that we didn't support them was because of the lack of facilitators and impartial facilitators. We didn't want it to become the lynching party that it could be. Is there anything else?

BARCA: Perhaps your organization would like to help facilitate those.

HOFFMAN: Well, we could explore that.

BARCA: Thanks.

HOFFMAN: Anything else?

LEIN: Any other questions of Ms. Hoffman? Thank you. That concludes the sign-up sheet. Is there anyone else wishing to testify?

LEWIS: Good evening, Commissioners, my name is Matt Lewis, I work for the Building Industry Association of Southwest Washington formerly the Clark County Home Builders Association. First off I'd like to compliment and thank Chris Eaton and her

associates at Angelo and Eaton, they had a very tough job tackling this obviously contentious issue. And although I had some concern early on about some of the stakeholder input making its way into the draft, I think they did an excellent job by the time the end product came out. And I also really appreciated the format they used of the actual code text with the narrative on the other side, it was helpful.

It's been referenced a few times this evening the connection between in-fill development and complying with the Growth Management Act. I'll try not to belabor it, but I'd like to begin my presentation speaking of that. And essentially that's what in-fill development is, it's a tool to achieve the stated goal of ending urban sprawl. So I hope it's not has to be an either/or proposition, but the language of the State statute of the Growth Management Act in our subsequent comprehensive plan at the county level really mandate it. By no means are builders necessarily in love with it. I think they realize it had some real marketing drawbacks, some of the higher densities and going into some built-out areas, and the number one thing is the it had some real questionable profit or ability to make a profit and that's why Greenfield development's been so prevalent over the last 40, 50 odd years or forever.

So if the County, we know they're serious about GMA, I mean there's no -- they have to be serious about GMA and obviously this past year's comprehensive planning they've been pretty aggressive on containing growth, and if I had a nickel on every time an elected official or another County staff member had cited in-fill as the antidote to sprawl or a reason they can accept more growth, I'd be wealthier than I am now. So I think it's important that it actually works or else we're going to have a real problem with a tight boundary, small growth projections, high expectations of fitting people inside these boundaries and then a policy that doesn't allow these parcels to develop.

So to get a little more specific and talk about the proposed ordinance, there are quite a few good things and the Builders Association participated throughout, from the very beginning, and many of our recommendations were incorporated as far as the two tiers; however, as originally proposed the tiers were a little more sexy than they came out, a lot of the incentives never made it, made their way in there, but the idea of two tiers I think is good with increasing incentives tempered by increased concessions, if you will, or things for the neighborhoods. So the neighborhood meeting, while I guess it would be acceptable, as Jessica mentioned, having it regulated in somewhat is essential because as a lot of the neighborhood representative has mentioned, there's a real deficiency in understanding code and how the development process works. It's only natural, it's very complex, and I'm sure many of them don't even understand GMA and urban growth boundaries and why this needs to go there, so to just have a neighborhood meeting that's not a very appetizing thing for a developer without some kind of third-party mediation that can focus on what's going on here and not the fact that they they're still a little perturbed about that apartment that went in a year ago and they're deciding to take it off, take it out on him or her.

As far as a couple of the question things that they wanted more comments on and the

eligibility, we would recommend the lower, the 25 percent of the abutting urban development. And the gentleman earlier with the overhead had some concern about that being too expansive of a standard. On the cost estimates that I'll speak to in a second from that Olson's Engineering prepared, I gave them about six or eight, I thought it was eight.

DELEISSEGUES: Six.

LEWIS: Yeah, six made it into the memo. There were I think I gave them eight originally that never, he never mentioned -- randomly selected either vacant or underutilized parcels in the unincorporated area that I thought were pretty close to the standards. And in fact not all of them -- only less than half of them qualified either because of lack of one of them didn't have sanitary sewer, one of them was a little too large and a couple of them it was because of properties to the north and to the east or west hadn't converted, so it doesn't allow everything to go. On the other side of that is some would say that anything inside the urban growth boundary is urban and therefore should be subjected to in-fill. So we would recommend a more expansive standard for the abutting urban development. The building mass supplemental standard, perhaps another tiered approach here to only allow two if you're going to do something attached in the higher, in the R1-20, R1-10 zones, but in the smaller R1-7, 6 and 5, maybe you can have four or six attached because it would be a little less different, I guess, in the denser zones. And we'd recommend the smallest minimum lot areas to maximize that density bonus.

If we can talk about the incentives or, and I can, I heard there was some questions on Olson's cost estimates that were prepared before I arrived this evening, and I can add a little more commentary to that. Those were performed by Chad McMurry at Olson's Engineering and, thank you, Olson Engineering, they did that all pro bono for our benefit. And the in-fill ordinance was using Tier 2 to get the density bonus because Tier 1 just gives you the averaging, so it's under Tier 2, that's not explicitly stated, but the one thing he forgot was the neighborhood meeting. Let's hope the cost wouldn't be, you know, exorbitant, but you have to probably would pay some engineers, maybe even attorneys, other consultants, to come show up so it certainly would be an additional cost that didn't get factored in, and the costs that are listed would develop that property to buildable lots. So it's platted, the infrastructure's in, you've paid your permit fees, you've paid your private consultant fees and you're ready to sell buildable lots, nothing's been constructed as far as residences or structures at this point but the streetlights and the sewers and all that stuff is in and you do get about a, an extra lot under the proposed ordinance, which is beneficial, obviously you can spread your costs a little more. However, and as much as a demonstration in the in-fill ordinance I think these, it's these fees are more, or these costs are more demonstration in the extremely high development or government costs in housing or development, and when your end yield is a small amount of lots, you know, it, you have very high lot size or lot prices.

For instance, the second one, or, no, the third, the third parcel there, if you divide that

by the total price, and I used the high price for each one, by the lot yield, six and seven, under the current ordinance it comes out to about $45,000 a lot, and under the in-fill ordinance it would be 41 without that neighborhood meeting factored in. So obviously that, you know, there's the ability to make some money I suppose, but the big numbers are that's $45,000 and $41,000 before you've sold them, before a profit's been built in. And we're talking about a, what, a 5,000-square foot lot, I don't think that's a realtor's dream to try to sell that. So that leads me into the request for other incentives, especially something aimed at, and I guess the one I heard most in discussing this with builders is the expedited permit, permitting because it can be so lengthy and sometimes arbitrary in their opinion, so if they could have some guarantee, some certainty in 60 days in and out and then some fee waivers or altogether abatement would be helpful, not having frontage improvements if the surrounding development or the prevailing neighborhood standards, they if the curbs weren't put in there when those were built, maybe monetary contribution to a regional stormwater facility instead of on-site improvements. If you're putting in a bioswale or some treatment right on you might have to sacrifice one of your six or seven lots which that certainly doesn't pencil out. So I mean I think something like that is really critical to get this -- or probably a combination of those to get this off the shelf and to have a developer actually have it pencil out and want to do it.

Another thing I wanted to mention was, and back to tieing into the GMA, it was mentioned I believe, I think I read it in the school districts memo about wanting to create targeted areas, and that's something that the Building Association was a proponent of from the get-go because we have ongoing concerns with the buildable land supply, and a lot of that's due to the inclusion of these underutilized parcels that may or may not develop in the next 20 years, so if we could identify those areas to in-fill through a legislative process which puts the onus on elected politicians to, through a public hearing process to determine which neighborhoods should and which neighborhoods shouldn't using I guess standards to be set, parcel size, the value of the property, this and that, it would make things a lot easier than on the developer because the certainty's there, the decision whether to in-fill or not is not done through the development process and I would imagine it would create a much more accurate buildable land supply, which is important to the comprehensive planning process.

And finally, education is going to be key. If we do get something through both Commissions we need something that's going to create some excitement, a demonstration project perhaps, partnering with some people to get something built under this in-fill ordinance that was quick, profitable, looked good. I don't, you know, maybe I'm young and naive here, but something like that I think is going to be necessary if there's going to be some interest and people are actually going to buy into this, because while there's some misunderstanding on the neighborhood side, the development side as well, when I bring up in-fill at my meetings they think 20, a 20 lot subdivision is in-fill to them. So I mean when you're six and seven, that's not, I mean that's really not in the books that they read out of. So I think those conclude my comments and I'd be happy to answer any questions.

LEIN: Any questions of Mr. Lewis?

MOSS: Yeah, if I could, excuse me, I have a question on Olson's report here. I want to have you verify, if you can, the assumption that I've made. You're familiar with the staff report and in the staff report they make, there's a comparison between the existing ordinance and the proposed ordinance, but in that case the existing ordinance really is the in-fill ordinance that's under moratorium right now. I assumed that that's not the case here in Olson's, what we're comparing here is not the old in-fill ordinance with the new, but rather the existing development code without in-fill provisions?

LEWIS: You're correct, yeah, it should just say "current code." It's not, yeah, they didn't use the suspended ordinance, it's current code.

MOSS: The two are not the same.

LEWIS: Yeah.

MOSS: On none of these examples appeared to have contained an existing residence either, these were all --

LEWIS: And, you know, they do, though, and that's one of the things -- one of them had a, they said the presence of a former taxidermy shop, I thought, and actually I have the parcel reports for the three of them used.

MOSS: Maybe that one dropped out. Was it one of the three here?

WRISTON: Given the acquisition cost map.

LEWIS: Oh, yeah, that was the other thing, I should have mentioned, yeah, the acquisition costs or the assessed value, which is obviously going to be higher than that, and these are pretty conservative as far as the cost reports here.

WRISTON: But in terms of a residence, the two on the other page 77,000 and 74,000 probably don't, I think, I mean I just --

MOSS: Well, even this one at 101,000 on the front page.

LEWIS: Yeah, that one does. I'm reading the parcel report. It has a ranch built in 1949 that's 528-square feet, a very desirable piece of property.

MOSS: I assume that wasn't salvaged.

LEWIS: No. And so I don't think they have built -- they don't have the site preparation in there, any other, if any other environmental issues came up, that's not factored in

there, so it's, yeah, it's quite high.

LEIN: Jada.

RUPLEY: Matt, you mentioned in your memo prohibitive financial hurdles are removed and you gave several suggestions. Are those, all of those that you were indicating?

LEWIS: I believe so. The expedited permitting, fee reductions, frontage improvement, stormwater. I guess the road standards would also reduce costs somewhat if they were narrower. I think that's most of them.

MOSS: Are interest costs included in these?

LEWIS: That's a good question too. I'm not -- I don't know.

LEIN: I doubt it.

LEWIS: Yeah, I doubt it. And that's a huge cost depending on how long it takes.

RUPLEY: Does your organization see the in-fill as a real necessary element in the comprehensive plan in terms of part of the tool kit?

LEWIS: Yes. We see it as pretty critical considering the decisions that have happened and the course that things continue to move or direction. There's a little sense of where are we going to build, where are these people going to go. And of course, you know, there's always the market swirling around of what do people, where do people want to live, what type of house, what size of lot do people want to buy, it's looking like those choices are going to be limited.

RUPLEY: I just wanted to tell you thank you very much for these projections. As the newest member and struggling to understand all this, this was very helpful to me.

LEWIS: For me too. And actually, you know what I should have done, I have expanded ones that itemize all the costs and it's -- since I don't build or develop it's actually informative for me. So I should actually probably get a copy of that, it has the parcel, all the costs, what it takes, how they platted it out, it was very informative, I can get copies of those to you.

WRISTON: That would be really helpful. I think, Matt, and I don't know how much you know this or not, but it's my understanding and experience that, and it might help the Commission when you are looking at these things, and I think Lonnie's questions on the carrying costs are huge because that's actually a, you know, again something I had mentioned before a lot of times, you're dealing on these properties with owner-occupied and they're selling the property or they're, you know, they need to move, it's not like they're dealing with 50 acres or something like that or it's not like it's usually investment

property or something where you can option up for, you know, X amount, you know, whatever it is and say, you know, I'm going to give you X amount or whatever and I want to take a year or two, which is generally what you're going to want, at least a year maybe with the option of going further if you've pursued it in good faith to permit these properties because of the time process. And we've talked about this before. So generally I think a lot of these are going to have to be purchased or somehow you're going to have carrying costs, you're going to be carrying interest on these properties, and so that's a huge, something that we ought to look at.

The second thing to consider in here is for you guys to know my experience, these lots are generally going to builders for somewhere in the neighborhood of 35 to $45,000 a lot depending upon the size of the lot and the neighborhood. I mean it just, you know, the smaller the lot, the lesser the, you know, potentially the lesser the desirability, the lesser the price kind of offset by where the neighborhood is, but when you're looking at, you know, 30, you know, the cost of these things, again absent carrying costs I think and maybe a couple of other things from these models going, you know, 37, 35 to, you know, $45,000 a lot there is no profit in there. And any developer is not looking just for a profit, a builder is weighing the profit against the risk, and the risk of these developments are still very high, and it's what I've said from the kind of the beginning, it's the risk, the time, the cost, those are kind of the three elements and things have to drop out of each of those elements for this ordinance to work. So this is really helpful, this is the kind of stuff that we were looking for to kind of describe to people how these things work, so I appreciate it.

LEWIS: It's more helpful than rhetoric, I'll try to remember that.

WRISTON: Yeah. No, it's very -- yeah, it's very helpful. And let's see. I mean there's, you know, I mean if you add these up, the one I think is 37,000, the other one was 41 to 45,000 a lot, I mean that's the cost, you know, so there's, I mean there's no room, there's no margin for error. And then the front one I, it wasn't totaled up or whatever, but I don't think that one works either. So anyway.

MOSS: Yeah, these are cost projections that the developers that we work with every day would --

WRISTON: Yeah, they'll walk.

MOSS: -- if we projected these costs these developments wouldn't happen.

LEWIS: And they never, you know, no site visits were performed so I mean these were pretty sketch surface.

BARCA: I have a question concerning one of the additional incentives. It's the last one, tax abatement. I'm not quite sure what that means or who's to receive the abatement. Can you explain that.

LEWIS: I was thinking in some sort of property tax abatement and that probably would benefit the final occupant. Quite honestly, I haven't fully thought that one through exactly. I was thinking along the lines of what happened here downtown. I know that the City granted some pretty tremendous ten year property tax waivers for I think the New Heritage Place Condos, so I think it's more in selling the product, selling the final product.

BARCA: Okay. All right, thank you.

LEIN: Any other questions of Mr. Lewis? Thank you, Matt.

LEWIS: Thank you.

LEIN: Any other public testimony?

HADLEY: I might mention there's another sign-up sheet out there and there's at least one more name on that. I'm Ken Hadley, 1317 NE 4th Avenue, Camas, 98607. I'd like to make a couple of comments about the conversation you had with Matt. I talked to Keith Pfeifer, who was a task force member, and he and Rick Haddock, who are partners and have done in-fill development, and I asked him about his thoughts about the cost of those lots and what the advantage would be of the in-fill versus the normal land division costs, and he said there's no advantage because the in-fill lots typically sell for less than a lot that's done under the normal procedure because they're usually irregular and they are not going to conform to the standard house designs that most builders use and it's very expensive for them to have new designs drawn up for one or two lots. So he says in reality you get less generally for an in-fill lot than if it's a comparable, quote, normal, unquote, subdivision lot. So the figures are one thing but reality is something else.

Also in terms of the necessity for in-fill, I think the general feeling within the people that are involved with housing, building or sales or otherwise, there's a great amount of scepticism that the County's going to come up with an in-fill ordinance that's going to have much effect, and I think generally they would prefer to see in-fill lots taken out of the vacant land and an expansion of the boundary to normal developable lots. That's my opinion. I'm not connected with the former Home Builders and I'm not speaking for them, but that's my experience, and I've been to a lot of meetings and talked to a lot of people.

I wanted to say that I was not on the in-fill task force but I attended most of the meetings, I've attended most of your workshops, the City of Vancouver, I've tried to stay informed on the subject, I've felt from the beginning that this process was so rushed that there was not going to be a good product come out of the task force. Initially it was just a County project, then they decided to make it a joint project with the City which delayed the process, and then when the meetings did start there were several

members that knew nothing about in-fill so there was a learning curve involved. I think there maybe was four, at the most five, really productive meetings and you just can't work through a complex subject such as this in that length of time with that amount of effort. Everybody made an honest effort, they worked hard, staff and consultants put in a lot of effort, but the abbreviated time period just was an artificial barrier to a good product.

I think the first decision that the Planning Commission has to make is how serious they want to be about having in-fill projects happen. If you just want to have an in-fill ordinance regardless of whether in-fill actually occurs on the ground, this probably is a satisfactory product. But if you want to have a significant number of in-fill projects actually occur, you're going to at least need to implement most of the suggestions in Chapter 3. And that's probably the hardest part of this, and unfortunately the task force really had no time to get into that. It's going to -- it would be difficult because you're going to impact many County ordinances and there would be difficulties of changing all those, there would be resistance in some areas, but without those I don't see much of a product.

The proposed ordinance has limited economic incentives beyond the present land division ordinances and it has some disadvantages. Under the incentives the change in definition to allow net buildable acreage of two and a half acres or less is a help. The old ordinance had two and a half acres, and since it had no comments to the contrary we should assume that they thought that would be all buildable land within the two acres. It makes sense that if you have a parcel that has sensitive lands that are not buildable, that those would be taken out and you're left with a buildable two and a half acres, which is comparable to what the consensus was from the old ordinance. And that was, I think, the main reason that two and a half acres was selected in this case was it came from the previous ordinance. And there was some discussion about making it larger and smaller and they sort of decided to leave it as it was with the provision, which I see is an advantage, that if you do have sensitive lands that aren't buildable, that you can take those out so you are working with the equivalent two and a half acres of buildable land.

Now the staff has made comments according to the Draft No. 4, and that's on Page C6, where they recommend that you only use gross two and a half acres. This doesn't make much sense to me that the argument there would be that if you have a three-acre parcel with a half acre or such of sensitive lands and you'd prefer to leave it empty than to make it so it could be utilized, so I mean it just doesn't make sense if you're talking about a strong effort to densify and use land that's not presently attractive. I would suggest a change of language on Page 5 that's under number "1. Applicability. Criterion #2" and I would suggest language "parcel size should be based on net area of the site after excluding sensitive lands." I think that would be much clearer language as to the intent.

The second incentive that I saw was a possible expansion if the eligibility of surrounding

development was held at 25 percent. And this is nonstreet boundary and a lot of these may have a street, so you've eliminated consideration of one side to begin with, and if you say 25 percent of the remaining you may be talking about one that is bounded on two sides because one is a street and the other has to have development. And here again you're saying it has to have urban services and it has to be within a residential zoning, so I think if you're going to be serious that you have to make the eligibility reasonable.

Also I wanted to go back under the staff comments. There was one they were worried about how the people at the counter would have an idea of whether a piece of land had net two and a half acres, and it's obvious I think that the applicant would have to bring in a survey or delineation or something that would give evidence of the piece of land and show that it has a net two and a half, it's not more than a net two and a half-acre parcel. The decision should not be left up to the person at the counter obviously. So it's like in all cases, if you make a proposal you have to bring in evidence of what you're saying about the land and this wouldn't be different.

Another incentive was the allowance of townhouses and duplexes in more residential zones. As you've been told by previous that could be controversial and would probably have to be thought about. The parcel size averaging, the lot flexibility without limitations on the width and depth of the lot as long as it met a certain parcel size is a help, and the 20 percent increase in the building lot coverage would be some help, but those are limited incentives, they're not going to make a developer rush out and do a lot of in-fill based on that. And on the disincentives, one is the neighborhood meetings and the ordinance says that the developer would send out notice of time and date and place. I question, who is it that's supposed to decide the time and date, who is it that's supposed to provide the meeting place, is this to be the developer's responsibility and cost.

There has not much been thought about how these things would occur and who would do what. And if it is not moderated by County staff or some knowledgeable neutral person, and I underline the word "knowledgeable" because in a lot of these cases you're talking about what County code allows and does not allow and just an ordinary moderator is not going to be able to speak with any authority about that, and it has to be somebody that the neighborhood will accept when they say the code says that he can do this or he has to meet these requirements, and if it's just a developer there saying that I don't think the neighborhood is going to think they are credible. Not only that, the developer would have to have several specialized consultants at a very high cost. If he doesn't have these people available to answer the many questions that come up, he will be considered to be hiding the facts. And so the neighborhood meeting is going to be a difficult and expensive proposition and without some help from the County in running them and defining how they're going to be handled I don't think that they're going to work.

The other thing I see as a disincentive is the binding site plan. Now the language has

been changed so that it does not infer that it's going through the present formal site plan review process, but the language very clearly says that they will submit a binding site plan and future development would have to abide by that plan. In the first place, a lot of the people that do the development of in-fill are dividing the land, they are not building the houses, and so to do a site plan, binding site plan, is very difficult for them. Also, if you have a binding site plan it's going to be very hard to sell those lots to someone who will build. And it's difficult enough now. So overall I think there's very little economic incentive in the ordinance as presented. If you can put in several of the things that are in Chapter 3, then maybe it would be workable. Thank you.

LEIN: Thank you. Are there any questions of Mr. Hadley?

BARCA: Excuse me, before you go, Ken, I just wanted to make mention of the fact that I think we in this Commission do want to create an ordinance that is a viable tool to create in-fill and make it happen. I recognize and I appreciate the comments that you made, and that Matt made earlier on, that the conditions that are in place now are creating basically a big change for the building industry, and to have a tight urban growth boundary and an in-fill ordinance that is supposed to create the difference is going to be reflective on whether this ordinance genuinely can be exercised to accomplish that, and I believe, and I'll speak for the Commission, anybody can chime in if they think I'm wrong, but I believe from the discussions we've had we really want to make this ordinance that type of tool. So we're taking all of these comments very seriously about the aspect of what it's going to take to have a working tool.

HADLEY: Thank you, I'm glad to hear that.

LEIN: Trevor Haynail, Haywood. Okay, he's not available. Anybody else wishing to testify? That concludes the public testimony. What we would like to do is take a break and then we'll come back in about five minutes.

(Pause in proceedings.)

RETURN TO PLANNING COMMISSION

LEIN: We'd like to reconvene the hearing, please. Thank you for your patience. At this time what we would like to do is ask Mr. Lee to take us through some of the questions that he thinks we still have
and --

LEE: Mr. Lee is not going to take you through it. I'll ask you if you like this approach that I will suggest and you can tell me whether it works or not. My sense is that the Commission would like to directly address both sort of those dangling issues as identified in the staff report as well as some of the incentives as identified in 3. I would suggest that maybe we tackle the ones that were hashed about and brought forth in the

staff report that couldn't be resolved by the task force first and then move on to the discussion of Chapter 3 as incentives and what you want to do with that. So if that is an acceptable approach, I would ask Chris to sort of give you a little cue with the issue in the staff report and then begin the deliberation on that and then go on to the next point to the time at which we've exhausted our faculties tonight.

LEIN: Okay, we're done. Does that sound acceptable?

WRISTON: I don't want to be a maze here. My concern would be that we can do that, and that's fine, but Chapter 3 to me, and I said this at the work session is the meat of this thing. This thing's not going to work until Chapter 3 works so we're going to be, you know, we're going to be going into these details about 25 percent versus 75 percent, and that doesn't mean anything in my opinion, I'm just throwing this out, until we start discussing the things in Chapter 3. So we can do it and we'll get to Chapter 3 so I can sit back and go through all that, but, you know, if some of the things in Chapter 3 are there, the 25 to 50 percent, you know, it may not make that big of a difference. So I don't know, I'm just throwing that out for --

BARCA: What did he say?

WRISTON: I said I thought we were going backwards. I thought we should start with Chapter 3, but that's a very difficult thing to start with so.

DELEISSEGUES: Well, if we do get to Chapter 3 at the beginning or at the end, one of the things I'd like to know is how many of these things can we actually do? I mean are there flexibilities, for example, in stormwater discharge requirements that they can meet the existing stormwater discharge in that neighborhood rather than meeting the current standards such as stormwater retention ponds and so forth which, you know, is just going to --

LEE: I think the Planning Commission could certainly recommend to the Council that something of that the Board of County Commissioners pursue that. Fundamentally it does come down to kind of where does the County spend its resources. And so whether we could reconcile it through this process at this time is questionable, but I do think it's certainly appropriate if the Planning Commission feels that this in-fill ordinance is only workable if some of those things are included that they should make that recommendation to the Board.

LOWRY: Just a little bit more on that. The current stormwater ordinance would allow the approach, a pay and dump approach for stormwater. The difficulty is that in order to use that approach under State law we would have to have developed a utility system for a particular basin and have done all the planning and have the funding mechanisms in place to do that. The County's taken two or three tentative steps in that direction in the past and sticker shock has always caused the County to back away. So although it's theoretically possible under State law, getting there is very, very very difficult.

DELEISSEGUES: And that was just kind of an example. And then the same for concurrency and frontage improvements --

LOWRY: Well, all of those other than the --

DELEISSEGUES: -- and access, all of them.

LOWRY: -- stormwater, which has some technical elements to it that would have to be overcome, the rest of them are just purely budgetary issues. If the Board wants to place a priority on this particular class of applications, they can do it. It has budgetary implications in terms of getting additional staff if you're not going to delay other applications as a result. In terms of impact fees State law doesn't allow us to give a waiver, we can elect to pay the impact fees as a community, so that's a budgetary issue. In terms of fees, obviously the fees could be reduced but there's a budgetary impact. So I think with the exception of the stormwater, all of the other ones are probably just pure dollar issues that if the County Board finds a way to step up to the plate from a budgetary standpoint, they could do it.

SMITH: Can we address those without, with our existing capital facilities plans and --

LOWRY: I don't think there's a capital facilities issue other than for stormwater. I think the rest it's simply a matter of a budgetary priority.

DELEISSEGUES: You know, just to finish my thoughts, it seems like this is a three step process. There was an effort made to go out and take a look at the buildable land inventory that it supposedly identified candidates for in-fill projects and a number of people have said that you can take a look at some of these properties and tell fairly well whether there's any potential there at all or not and maybe the County really ought to try to, number one, get a good accurate inventory of feasible buildable land and take the rest of them out, just say, okay, you know, for whatever reason these aren't going to meet the criteria now or in the future, at least now, maybe ten years they can come back and look at it again, or five or whenever you want to update the urban growth plan and maybe you can look at it then, have an accurate assessment of what we're talking about.

And then secondly, the kinds of things that Rich said, does the County think it's more profitable to pay for some of these kinds of things to develop in-fill or is it a greater cost to allow urban sprawl, you know, because it seems like that's kind of the trade-off here, we're buying something by investing in in-fill, we're saving some money I would think by doing that in lieu of expanding out, making the transportation system, water system, sewer systems and all the rest of the infrastructure costs that are associated with development outside the urban growth boundary the trade-off. And then the third thing is if you think it's worth the money, then do what Rich is talking about, you know, we'll invest in in-fill rather than pay the cost of urban, rural, suburban, whatever you want to

call it, development.

SMITH: And it's not even a direct trade-off between paying these fees for the developer and the putting in the infrastructure because all we're really doing is delaying the infrastructure, it's going to eventually be out there anyway. I don't know how you do the cost benefit on that, it would be difficult.

LEIN: Ron.

BARCA: I think if we're to try and follow the direction that the County Commissioners put in place with the population figures that they've chosen and the adherence to some type of growth boundary that's tied to utilizing these vacant buildable lands analysis that includes the in-fill properties, we should take the attitude that we're going to create an ordinance that will facilitate that without regard to whether we find it feasible in the market today or not. It could very well be that this ordinance doesn't truly get exercised for five years, ten years, perhaps that could very well be the case because there's still an inventory of Greenfield style property that can be built-out, but if we want to put this in place what we're doing is then we are allowing the County to set priorities, including the aspect of budget priorities on them being good towards the philosophy and the comprehensive plan that has the specific wording about this. I think we have an opportunity to do that and we don't really need to get into a lot of debate about whether we find this to be viable in today's marketplace or not as much as how do we go ahead and craft something that could become viable. And like I said, maybe it doesn't become viable now because there's choices, but in the future it will become more and more viable. And we do that, I think, by trying to create enough financial incentive, or as we've seen in other cases, time incentives that allow this to be looked at in a different light than they are now.

Ken Hadley's testimony about the aspect that there would be choices made to do standard development over the aspect of in-fill because the market wasn't there, as the County becomes more urbanized, as the metro area becomes more urbanized, you see more in-fill projects happening, and the environment and the economy as they start to change is going to get more people that know how to do in-fill and are willing to do in-fill. Perhaps it's not the constituency that represents the majority of Matt's association today, but five years from now that could be different as well. So I think this is an evolutionary process and what we need to do is we need to put the best tool in place that we can.

And that's what I'd like to see us do, I'd like to see us tackle what is the proposed ordinance now and nail down what we feel is appropriate in that and then go after Chapter 3, continuing to tack each one of those items in Chapter 3 onto the ordinance as we see it necessary to make the ordinance work, then we can hand a product over to the Commissioners that they can choose to do with what they want, but we will be handing them a tool that we think is going to be viable to meet the goals that the Commissioners and the comp plan have in place today.

LEIN: Good comments. Any other comments? How would we like to proceed, Mr. Lee's way or --

RUPLEY: Well, if I have to sit next to him I want to do it his way because otherwise he's going to whine all the time.

WRISTON: No, no, I'm not going to whine. I was just saying that, you know, and we can start, but it seems like we're starting with the detail and then moving to the big picture, and the big picture is some of those other incentives, but I don't know, we're going to be stabbing at the dark in some of those incentives in Chapter 3, you know, to know how they truly affect. You know, I think some of the detail that Matt was talking about providing would be useful so that you can, you know, and even expanding. I mean this is really helpful because this is what a developer looks at. A developer will sit down and do this before, you know, they make any kind of offer on any kind of property, and they'll sit down and they will add in carrying costs and they'll sit down and they'll go through this whole deal and it will be in, you know, in fairly good detail, and then they'll have a certain profit margin that they want to make associated to the risk. I mean that's, at least that's, you know, how I think, you know, they would do it, that's how I would do it.

And so, you know, and it doesn't matter how we approach it, we can approach it, and we can talk about some of those details in there and then maybe ask for some additional information on the Chapter 3 stuff and ask to work with Matt a little bit more or, and maybe even get a, you know, I was a little disappointed, this is perfect in that what we're looking for, but some of these got thrown out just by shear size and it would be nice to get a couple more, you know, two, three, four more that are in the 2.5 or less, you know, that are in the ballpark, and see how their costs and how those things go because some of these were just thrown out because there was, you know, they were just too large so.

BARCA: Can I bring back up this document that was provided by the County? There are a lot of parcels, and I would say the majority of it, that are in relatively small zoning requirements already. I don't know whether we're getting a bit too preoccupied with a 2.5-acre parcel, whereas I'm anticipating that a lot of the in-fill that we're going to be dealing with is actually going to be much smaller than that and I guess there are certainly some things that we need to wrestle with in the context of do we do net or gross on a 2.5 acre. And I think we can come to terms with that relatively easy, but I'd like to see a lot of our emphasis and time put into the aspect of how do we make these smaller parcels really pencil out and make them happen, because looking at the amount of acreage that's available in both documents, it appears like most of it is in relatively small zoning already.

So I guess what I'd like to see is as we go through the ordinance as it's written today we keep that in mind and don't get ourselves really wrapped around the aspect that we're

dealing with eight or nine dwellings, we want to make sure that as we talk through this stuff it's going to work for one or two and that the lots are going to be weird sizes, or as we've talked about in the past that it's going to be a flag lot and what's appropriate for those needs to work in this ordinance all the way through also.

LEIN: All right. Why don't we start, Pat. And I'm not sure we can really come to any kind of vote tonight because I think there may be some issues that will transfer from one to the other and (inaudible) package, so maybe we just get a good feel for where we're headed and questions that will come up that may need to be answered between this meeting and next.

LEE: Okay.

EATON: What may help or what I've done is to take the staff report out so that you can also look at the ordinance itself, so Chapter 2 so that you're not flipping back and forth. And the first question as you've heard is this eligibility, and it is about how much land, you've just spent, Ron kind of started that conversation. And it is Page 2, Chapter 2, Page 5.

WRISTON: This is the gross or net?

EATON: There's been several issues raised and not all of them are necessarily flagged. I heard Lonnie talk right away even on 1.a. Line 4. He has a question about the requirement that lots are created prior to the adoption date, so that's one issue I heard. There I also heard Lonnie at the work session talk about Criterion No. 4. I'm sorry, Criterion No. 2, Lines 9 through 13, and he wanted to remove roadways, road right-of-way, road right-of-way from that in addition to removing critical areas, so that would be as I understand that kind of an expansion, you would allow even larger parcels to qualify. Then there is the big outstanding issue on Criterion No. 4 from the task force, this issue of surrounding developments with a range 25 to 75 percent. And then you've heard some testimony tonight about the definition of urban development, although it's coming forward as a specific recommendation. So those are the things that I can identify that I've heard.

BARCA: Well, that's too many. I got lost. I need to do those one at a time.

EATON: Let me take them one at a time. And I'm just taking them kind of in order of the page. And again, this general issue is about how many parcels should qualify, how open should the process be to qualify. And the first cut at identifying that is there's a restriction based on when a parcel was created, and that's in on Line 4, that this Chapter applies only or the standards, these in-fill standards apply only to parcels that have been created prior to let's say March 31st, 2002. Lonnie had a brief discussion about that earlier and it's his concern.

MOSS: Yeah, I'd like to belabor that point a little bit. Some of the concern there

apparently is related to boundary adjustments, and as I mentioned before I think some people think that there's an opportunity for abuse. I'm not sure what that opportunity is, but one of the things that I would find to be very much of a concern is whether we would rule out a parcel that has undergone any kind of a boundary adjustment, because those happen every day, just, you know, boundary adjustments between two neighbors who agree that their fence is their actual boundary rather than the described boundary, and if they agreed to that tomorrow, us having adopted this today, would we then say that those parcels then wouldn't be eligible. Actually I don't think boundary adjustments are relevant here anyway because we're talking about parcels that were created, boundary adjustments can't be used to create parcels, okay, that's against State law. So the parcels that we're talking about here for the most part exist today in some form. While boundary adjustments might be an issue I don't think it's a big issue, but I can see that there are a number of ways in which parcels might be created after the date of this ordinance that we might want to qualify.

One example would be in areas not currently served by sewer we permit parcels to divide into as many as three lots that are served by septic systems currently. I expect that we're going to continue to do that for some time into the future. If sewer ever becomes affordable in those instances would we want to say that we don't want to give incentives for those larger parcels to develop to really urban density. What I'm talking about here is, I have an example that's five acres right now, it will be divided into two one and a half-acre parcels and a two-acre parcel and each one of those will be served by septic. Under County code that's the maximum land division that can be done on that parcel, you can only serve three in a land division by septic. Well, at some time in the future there's going to be sewer brought into that area, currently it's a mile and a half away and it's totally unaffordable, do we want to say that we're going to preclude those acre and a half parcels from qualifying for in-fill 10 years, 20 years from now by writing an ordinance that says they have to exist today. You know, I'm not sure that there's any wisdom in that and I'm not sure that this accomplishes anything. So I'd suggest that we just scrap that unless there's something that I'm missing here.

EATON: I think we described a little bit earlier the concerns and the reason that that was brought up, that was, I think, the only discussion that the task force had about that and that was the solution. It's for Commission discussion, maybe an input.

MOSS: The perceived abuse, though, whether that was an abuse or not, I think is not addressed by this in that those parcels existed prior to the time that that occurred, the boundaries of those parcels were changed by boundary adjustment but no new parcels were created.

EATON: What's the pleasure of the rest of the Commission on this issue?

LEIN: Well, I guess what I'd like to hear is a reason why to have it after listening to Lonnie. Is there a reason from staff?

LOWRY: Yeah, I think the two concerns that come to mind, one of which is the development which in part led to the moratorium, that's where you had the adjacent parcel urbanizing as a result of the development that then qualified the next parcel over also owned by the same developer to come in for an in-fill development. Now whether that is in fact an abuse or not it was certainly perceived as an abuse both by the neighbors and by the Board, but it was clearly complied with the earlier ordinance so the Board recognized it. So that's one circumstance.

The second, and I think I have to agree with, I disagree with Lonnie is a boundary line adjustment, a potential abuse where somebody owns a very large parcel that happens to be made up of several tax parcels and the County normally will recognize historic tax parcels as separate building lots and does a boundary line adjustment so what had been a 20-acre parcel next door now becomes a two and a half-acre parcel and qualifies even though that all that's occurred is the, quote, creation of a parcel whose boundaries used to encompass 20 acres but now only encompass two and a half acres. And I mean you certainly can make the argument that Lonnie's suggesting that you're not creating a new parcel. And in one sense he's correct and in another sense he's incorrect, and maybe that suggests that there's some ambiguity in the language. But the problem, I think, the second problem that could be a basis for supporting a limitation in the ordinance is boundary line adjustment. Both situations are ones where the -- what the ordinance would get after is somebody who creates a urban size lot next door to the subject parcel out of what earlier had not been an urban size lot.

MOSS: You know, I would suggest if that's what we're trying to avoid there that we attack that directly and just say that parcels which are boundary adjusted solely to meet the definition of in-fill or for that sole purpose will not be accepted. Now there's some language whereby we can do that.

LOWRY: Sure.

MOSS: But I think there's a serious argument about whether that parcel existed prior to. You know, I don't believe that given State law which says that you can't create a parcel, you know, by boundary adjustment how can we say that parcel didn't exist. I mean it didn't exist in that current form. But on the other hand the thing that I'm concerned about is that this would also throw the baby out with the bath water in excluding anybody who had done any kind of a boundary adjustment no matter how minuscule.

LOWRY: But I think for purposes of these discussions I think those are the two examples that would support this kind of a limitation. And I think you're correct that there's some wordsmithing if the Commission were to decide to support a limitation that we need to do to deal with the existing parcel issue.

MOSS: No, I think there is an opportunity for abuse here if the boundary adjustment is used for that purpose. As I had heard the story before, you know, to me somebody that

has two parcels, a two-acre parcel and a three-acre parcel, and has a choice of developing them as one subdivision or wants to develop the three-acre parcel first and come back with an in-fill development on the other one, I mean that's a business decision, I don't find fault with that.

LOWRY: No. And of course the way this is written, if those two parcels weren't under common ownership it wouldn't make any difference.

MOSS: Right.

LOWRY: Because you look back, you take a picture of what existed at the time of passage and that's what determines what qualifies as urban developments on adjacent parcels.

MOSS: Would you then say that the ownership would be as of the date of passage of this? I mean are you --

LOWRY: No.

WRISTON: I think Lonnie has got a good point in attacking it directly. I mean that's just my feeling. I hate putting something in here that, we can probably -- Lonnie came up with one where he's saying he's got a five-acre parcel right now that he's making, and I can't remember, two and one and a half and one and half or something like that, and we're saying five years from now or ten years from now that may not qualify for in-fill. I mean the whole point is to get, you know, anything inside the urban growth boundary urban and urbanized and in-fill and these, I mean these density bonuses and things like that are not all that egregious and they're not all that, I mean I'm not, I'm not sure.

I mean Ken actually said something when he testified that was interesting on the 25 to 75 percent, and that is, well, why do we even need that if it's a two and a half-acre parcel or less within the urban growth boundary, maybe that should qualify for in-fill development because any time you're looking at a two and a half acre or parcel, parcel or less, or any time you're looking at something around that size, you know, it doesn't have to be, you know, two, two and a half, whatever, that's tough to develop in-fill or not in-fill. I mean it's just tough to develop. It's all coming down to how many units can you get on there and how can you spread your fixed costs to absorb, you know, the cost of the development.

So I mean it's tough to develop in-fill or not, so to me you want to encourage these two and a half-acre parcels to develop within the urban growth boundary whether or not they're surrounded by, you know, urban growth now or sometime in the future. And so limiting it to things that are created prior to the adoption of this ordinance is just one more restriction that you have to go back and look at and we're going to be looking at again a few years from now going why did we ever do that so.

EATON: If it's the pleasure of the, if there's no objections, I think the language that gets at this is something like parcels, you know, changing it in some way to say parcels shall not be created or have lot line adjustments to meet these criteria, something along those lines that Rich looks at would be the kind of language that I would suggest that would get at this.

LEE: And maybe the process would be that if it is the consensus of the Commission that we do some wordsmithing to hit at this directly, that we put it together and bring it back for further discussion at a later time.

BARCA: Although Chris' example doesn't really take care of Lonnie's example and I guess my concern if I looked at this earlier, the one thing about Mr. Theobald's testimony where he showed the figures, and it included Figure 1, which was the farm and then cutting out a two and a half-acre parcel specifically to get an in-fill project in, the item that stopped that from happening was the two words here that said "created prior to," which is actually three words, but if we take that out or do away with that, then I think we are falling into the trap that was one of those triggers that shot the last ordinance down. I believe there's definitely mechanisms that we could handle this so this type of situation doesn't take place and it does allow Lonnie's proposition to go forward.

EATON: If I may, Commissioner, I guess I'm, and let me, I'll just take this from my perspective, I don't know about these kind of past history so I'm coming at this a little bit more neutrally, I don't see that somebody would carve a two and a half-acre parcel out of a 30-acre parcel because it's much easier to develop a 30-acre parcel, there's just, you know, for one extra lot on a small parcel I just don't see that that would happen, to be honest, so I don't see that that situation would actually take place.

BARCA: Strange things do happen.

MOSS: Well, it's kind of self-policing. Here's the problem. The only way that I can see that something like that could happen is you might carve a one-acre parcel out of that and serve it on septic if you could demonstrate that there was not sewer available. So the difficulty is if there's not sewer available, you aren't going to be able to do an in-fill project either. So the current County code would preclude you from creating a one acre or up to two and a half-acre parcel. I can't imagine a way that you could do that through a land division because, maybe you can, Rich, other than --

LOWRY: No, I was going to suggest that I think it's probably correct to say that we're in some sense worried about concerns that aren't going to be real except as to whether or not the purpose of this ordinance is intended to deal with the center, the core area, or is intended to be eligible throughout the UGA. I think that's probably the more serious policy issue that this Board should decide, and I think that's really probably more of what this section of the eligibility criteria is getting at. If we do go to where, you know, that this ordinance ought to make it easier to deal with the small parcels and it doesn't

make any difference where they're located, then that has a much different implication for how this portion is read than if this is viewed as an ordinance is supposed to get at the parcels that have been jumped over by development.

MOSS: Right. The one thing that we do have to recognize here is no matter where this parcel is, urban services have to be immediately available. And that is while we're talking about this being out on the fringe of the urban growth area, there has to be sewer, there has to be water, there have to be these services available or we couldn't do any kind of a development here. So it isn't as though we're going to go way out to the outer fringes and work our way back in, I don't see that happening.

DELEISSEGUES: I think with the criteria that you've got No. 2 and 3 and 4, even if you went with 25 percent on 4, if it's within the urban growth boundary that's what we're trying to do as Ron pointed out, we're trying to densify within the urban growth boundary so why would we want to put obstacles in the way of doing that.

WRISTON: So I -- yeah, I agree. I mean I think as Rich just said, I mean, and maybe it's completely major philosophical shift, but you're trying to develop these smaller harder parcels to develop within the urban growth boundary, and like Lonnie said you're not going to be going out to, you know, to the fringes because the services won't be there.

DELEISSEGUES: Can't afford it.

WRISTON: It simplifies it.

MOSS: And no two and a half-acre development is going to run down the street a half a mile to bring in sewer. That's not going to happen.

WRISTON: No. Are we --

EATON: And again I'm trying, the staff report tries to characterize, and you're struggling tonight in the role that the task force had, and I think they probably spent at least three meetings and continued to talk about this issue when they came back to the last draft, which is it's just the question that Rich identified, you know, this is about what, how much should be eligible, which is about, you know, how broadly it's going to apply and that is a philosophical discussion. We don't really get to any kind of locational criteria about near transit streets, near bus stops, near commercial centers, that was an approach that was reviewed in the Primer, that would be what I would call a mapped approach.

I believe you have testimony from the school district that suggests that might be an approach; however, that was an early decision that the task force chose not to take, which would have been a more targeted mapped approach by identifying key areas and maybe saying you should match that with focus public investment plans. And it's all

kind of a whole different approach and they took this definition approach, and I think that that definition approach led to this path of it will be any, you know, it's going to -- as you look at the maps, you know, it really could be all over the urban growth area. They didn't, there was no policies, there's no comprehensive plan policies that we found that said in-fill should start at the core and go out. But there is as Mr. Theobald said some expectation in the community on some folks that it will progress in some interlogical way and I think the discussion has been how realistic is that. So just you're right where the task force was so.

BARCA: I think the aspect of a mapped approach may have more bearing for us when we get into the Chapter 3 aspect and the incentives, perhaps we want to increase incentives in targeted areas and make them more and more feasible in that regard.

WRISTON: That's a good idea.

BARCA: But as it stands right now, trying to just get through the eligibility criteria.

LEIN: The first sentence. The first sentence.

WRISTON: One a day.

LEE: Well, Chris bet me before this that we'd be lucky to get through this one.

EATON: I suggested that maybe we would be getting just to this issue, yeah, and perhaps for timing purposes we can move on with there's been a suggestion for alternate language and that will come back, you can continue to think about that.

LEE: Take a try at addressing the issues that we perceive people are perceiving out there, because certainly they're being perceived out there, and try to find some language to get at the issue and not preclude those opportunities that we'll want to come to fruition years down the road.

RUPLEY: So if we get that off the table, then we can work through some of the others.

EATON: We can move to Line 9.

WRISTON: Can I caution you, on the, just on when you're working with the language don't preclude boundary adjustments though, you don't want to preclude --

EATON: Yeah, the language that I was reading was trying to specifically name those.

MOSS: Specifically intended to qualify.

WRISTON: Well, no, no, no, no. I don't want to preclude if you've got two -- a lot of these you're going to have parcels that are cut out, you know, one acre and one acre

and you may want to combine those one acres into two acres, I don't want to preclude boundary line adjustments that are under 2.5 acres because a lot of times that's what's going to help make these things go too is you can combine backyards, so to speak. Are you following me? And that should be perfectly allowed, you combine backyards and you use a common entrance between garages that hopefully meets 20 feet. I don't know.

LOWRY: No, I don't think -- this is an eligibility issue, not a design issue, so I don't think we would effect that. I guess I would want to restress, though, I think the policy issue that this Commission ought to be thinking about between now and your next meeting is whether the ordinance ought to be directed at passed over properties or at small properties. If the, the concern -- I think it accurate that the concern that the Board had with the ordinance the last time was that the ordinance specifically said it was dealing with passed over property, the neighbors came in and said how can this be passed over property when the property next door just developed and it's that development that allowed this to become eligible and it was a hard question to answer. If the ordinance is, if you feel the ordinance ought to apply to all small properties, two and a half-acre properties, then a lot of this issue goes away.

EATON: Without just deleting the rest of the eligibility criteria as Rich might be suggesting, because these were extremely important to the task force and I guess I just, I want to stress that this was the result of their negotiations, and there were some proposals on the table that they did not accept about just have it be a size and nothing else and they didn't want to make it that simple. But again, moving to Criteria 2, which I guess I was hearing Lonnie had a suggested change that you identified at the work session; is that true?

MOSS: Oh, that was -- I'm still not sure having read this language how you would measure the size of a parcel. Would you exclude existing right-of-way dedications, existing right-of-way dedications?

EATON: Existing right-of-way would not be part of a parcel so it would not be part of the parcel size.

MOSS: Okay, let me ask you now on an oversize earlier land division that's Lot 1 and the boundaries of that supposedly only go out to the right-of-way, would you then include the right-of-way?

HIGBIE: Sure. When we look at a parcel we look at the exterior boundaries of the parcel.

MOSS: I understand that.

HIGBIE: And if there are, if there is a public road somewhere in there it is not a part of the parcel.

MOSS: Well, but it may be part of the description of that parcel. Very commonly --

HIGBIE: In a standard subdivision --

MOSS: -- parcel descriptions go to the center of the road, but the answer that I just got was that you would not exclude.

HIGBIE: You would not exclude, as a general rule you would not exclude the existing right-of-way.

DELEISSEGUES: You would not exclude it or include it?

HIGBIE: You would exclude.

MOSS: You would exclude.

HIGBIE: Would exclude the public right-of-way.

LEIN: But what if it was a new right-of-way because so often there's insufficient right-of-way and it's expanded?

HIGBIE: I don't know.

LOWRY: Well, we actually have a rule in the code and it differs between rural and urban.

MOSS: Yes.

LOWRY: And for the urban area you don't include right-of-way at least for purposes of meeting minimum lot size. For the rural area you're allowed to include adjacent, half of the adjacent right-of-way in determining lot size as a general proposition. If you applied that here by analogy I guess you would, Bob's right, you'd exclude the adjacent right-of-way both in determining what the current size of the application parcel was and in determining whether it was adjacent to urban development or not.

MOSS: So you would exclude existing but you wouldn't exclude future dedications of the same right-of-way?

HIGBIE: No, because there's nothing in here that says that.

MOSS: I agree. The language, I can interpret the language that way, but does that make any sense? What difference does it make whether the right-of-way exists today or after the development is approved, it's not usable for development so why do we count it?

LEE: Well, when you're talking about future right-of-way there is some flexibility where you locate that right-of-way as a parcel comes into development. Now whether that would play into us prejudging whether it be included or not I don't know, but I know it's certainly an issue that we wrestle with every time we talk about the arterial atlas.

MOSS: Yeah, I can almost promise you that nobody's going to give any more right-of-way than they have to though.

LEE: That's right.

EATON: Well, and that is actually being dealt with in a little bit different direction in having the in-fill roadway which is a smaller right-of-way requirement. Well, I think he's talking about it.

MOSS: Well, there's no right-of-way requirement if it's private.

LEIN: It's easements only.

HIGBIE: And you are raising the, one of the reasons that this -- the neighborhoods presumably would like to know whether the property next door is eligible to be an in-fill lot. Currently the code says two and a half acres or smaller you're eligible. This criteria raises the kind of issues that you're talking about which makes the guy that lives in the house in the existing neighborhood not have a clue whether or not the property next door if it's three acres, five acres, might be --

MOSS: I understand the difficulty, I'm just not sure that that should override all other considerations here.

HIGBIE: Okay. Sure.

BARCA: So if we change this from gross to net and did not include the public right-of-way are you saying that it would be consuming an inordinate amount of the property or --

MOSS: I'm saying I can think of an example that we did that was I would judge to be one of the more successful in-fill developments under the old ordinance, and it started with 3.4 acres but by the time that we dedicated all the right-of-way required on three sides of that parcel it was less than two and a half and qualified as an in-fill project, and I'm thinking if we did that same project today it wouldn't. And that was a project that badly needed some incentive to make it workable.

LEE: My personal preference is if you're getting at the minimum size issue that I think Ken was talking about quite a bit that we be, we do not use the terms "net" just freestanding, we'd be very specific what is netted out because we have three or four

different descriptions of what "net" is depending on what the topic is we're talking about and that is why I believe the staff made that recommendation about just going with the gross because there is tremendous amount of confusion and wasted energy in trying to figure out what the correct interpretation is on any particular case so we're trying to make it as clear and as easy implementable as possible. So if we're going to move in the direction of sort of the net buildable for qualifying for the 2.5-acre minimum parcel size, I would just suggest that we be extremely specific on what is taken out of that gross figure to make it net.

MOSS: I would agree wholeheartedly. The only point that I would make is when you really get down to it the only thing that's important for development is what is the net buildable area here, you know, gross really doesn't mean anything at all, not to the economics of development.

EATON: I would interject that we are trying to create something that is as clear and specific as possible. It's not, this is eligibility criteria, is it going to use the standards of this code or not. One of my thoughts during the process was, and, again, the task force had a lot of discussion about the size and the appropriate size, but was to use gross and if it really made a difference, just bump the size up, you know, 25 percent, which is about what you might take out for roads, go up to three acres. The task force did not take that suggestion, they wanted to go with this language. But I think, you know, Pat's comments are to make it, you know, clear and simple as possible. Eligibility criteria it should understand and be conscious of the development process. But it's not about the development process, this is about what qualifies, so let's not forget, you know, why we're writing this criteria.

LOWRY: Lonnie, are you questioning whether or not right-of-ways should be taken out only as it applies to the frontage roads or also as to any internal road that is necessary?

MOSS: Oh, even internal if they're public. Of course and if they're private it isn't right-of-way, it's easement.

LOWRY: So you could have the effect of if you were excluding internal also of the design of the in-fill development determining whether it qualified for consideration as an in-fill possibly?

MOSS: Conceivably. And you might, I would have a tendency to tweak those if it meant, you know, giving away a tenth of an acre would qualify it, but I'm certainly not going to give away a half an acre.

BARCA: And I guess that being said I'd really like to see the word "net" put into it, and I'd like to see staff come back with something that is as concrete as you feel you need to make it to take the ambiguity out of it and that would perhaps help move the discussion along with us then in saying is that all the criteria that we believe is necessary to define "net."

SMITH: Well, the way this reads we're using the word "gross" but we're really talking about net here anyway if it's a gross except for what you exclude, which is net.

EATON: Well, what the task force, let me just be clear, what the task force is recommending is actually not to take kind of a typical net, which would be to remove all of the internal roads, for example, or internal easements or other things, a pedestrian easement, they didn't want to go that far, they actually had this discussion and said it makes sense to take out critical areas because there was a sense that in-fill lots may be lots that have large critical areas and so they wanted to allow the acreage to bump up to, you know, without limit. So it could be a ten-acre parcel that had eight acres of constrained critical area land that would come out and would be dedicated out on a plat leaving a two-acre parcel. They did not -- and you may do something different, but they did not want to get involved in further net, which typically is going to be roads or other easements.

BARCA: I think so, yeah, I think we need to go further.

DELEISSEGUES: So would you add road right-of-way, public road right-of-way to this list of things that you subtract out or not?

EATON: If that's what you'd like us to bring back for your consideration.

BARCA: Yeah, why don't you bring something back. See, that wasn't so bad, was it, we just swirled through that one. Now we're, what, to Line 15?

EATON: Now I take you to the Line 19, Criteria 4, the surrounding percentage.

DELEISSEGUES: I would like to back up to 15. I don't think you need to say "can and will," I just think the development will be served. I mean if it will be served it obviously can be, why put both words in there?

LEIN: Or replace it with "shall."

BARCA: Shall.

EATON: They're on Criterion 3, the "can and will be served."

WRISTON: Is there still allowance for septic on three lots or less?

MOSS: Is that, you know, while that one seems like window dressing anyway, there's no possibility, is there, of having any kind of development with small lots that won't meet Criteria 3?

EATON: I think the reason --

MOSS: Why don't we just toss it out?

EATON: Well, we want to be clear and specific so it may be redundant with other requirements, other places in the code. The reason if my memory serves that "can and will" is there was to get at that it can be served; that is, that the services may be not right in front of the parcel at the time but it will be served, burden of proof on that on the applicant at the time that it's platted. I think it's clearer, to be honest.

MOSS: All developments with the denoted exception of developments which are served by septics which won't qualify as in-fill will have urban services available at the time of plat approval --

DELEISSEGUES: Yeah, that's all you have to say.

MOSS: -- all developments, every subdivision has to have. Wells are not allowed in the urban area. All developments have to be served by sewer unless they're with the aforementioned ones that, you know, are very limited and couldn't qualify for in-fill anyway.

EATON: You want it out then?

MOSS: I don't think it does anything. You can leave it. I'm wasting time by arguing about it, but it accomplishes nothing.

LEE: When it comes actually to sewer and water service in urban growth areas it is, frankly, in reality not that clear-cut because there are exceptions where you can have a lot that if sewer is not available or, well, if sewer is not available because of distance there can be new septic systems approved. It is discouraged but it has occurred.

MOSS: Yeah. And I noted that, but those are all large lots.

DELEISSEGUES: Yeah, you can't put a leach field on a small lot.

WRISTON: Let's just leave it in.

BARCA: Yeah.

LEIN: I think it's more of a policy issue than anything else.

WRISTON: Unless there's a --

MOSS: That's okay, you can leave it in.

HIGBIE: Criteria No. 4 then.

MOSS: It doesn't hurt anything.

HIGBIE: Criteria No. 4 then.

DELEISSEGUES: How about roads, does it have to be served by a road or --

MOSS: Absolutely.

DELEISSEGUES: Probably need it in there then.

EATON: Other than requirements that may exist in the subdivision ordinance about public roads we didn't add, didn't add anything to that. Line 18 or 19 is 25 to 75 percent of surrounding urban development.

WRISTON: Well, that gets to that whole issue that Rich was talking about about whether or not it's passed over versus small properties. Is that something that we want to tackle now or do we want to tackle that later?

BARCA: I got an idea on that. As far as incentive aspects of it goes why don't we allow for a lesser criteria for the smaller parcels and have a greater criteria -- oh, bad idea. This always happens.

RUPLEY: When you talk do the lights go out?

BARCA: Often. Mostly people usually fall asleep first, then the lights go out. Anyway, looking at this in the context of trying to focus the growth into the urban core in a fashion I think it's a reasonable approach that the 25 percent for say an acre or less, 50 percent for things greater than that as one alternative. There's also the opportunity to say in new lots that are created where they meet the criteria such as what Lonnie was discussing where you go from something that was created with a septic system but now has the opportunity due to its zoning and location to the services to be developed at in-fill that could be a 75 percent abutment. So then you're saying that the new lots are created specifically around the aspect of in-fill, they have to meet that higher density criteria already and I think we can use this to our advantage that way.

DELEISSEGUES: Why?

BARCA: To help focus the development.

DELEISSEGUES: I'm just saying if it's in the urban area why does it matter if it's 25 percent or 75 percent if we want to facilitate development on that piece of land?

BARCA: Well, just as we described in the map that's here, there's a large amount of

area that is in urban growth boundary and it's a matter of whether we're trying to get to the heart of what is the urban core as it was described. Basically we're saying closer to the cities, closer to the higher development even in a situation such as the Hazel Dell Neighborhood or something of that nature.

DELEISSEGUES: If it's served by public water and public sewer and public road, it seems to me it's something we would want to encourage development and not preclude it because you don't have 25 percent or 50 percent or, you know, a lot of these that they threw out for some reason didn't meet some criteria, that to me was an obstacle rather than an incentive to development and that's what we're trying to accomplish in the urban area I thought.

BARCA: And I understand that. And I think within the context of what we're looking at, though, we're still trying to to some degree focus where that's going to take place. If you just make it 25 percent anywhere within the urban growth boundary, actually Matt's gone now, but he had a good example of out on the Lacamas Lake area that was out in 2.5 zoning is now in the urban growth area he said, you know, the potential's there with the palatial estates that are out there, it could be put in a situation of getting in-fill development there and is that really how we want to focus this effort. If somebody has money and they want to do something in that regard, that doesn't necessarily make it the right aspect of how we want to exercise this policy. So that's my thought. I'll throw it out there and --

WRISTON: Something that Ron said that I thought was interesting that, and you didn't say it, I don't think, when you were just talking now but it could also work here is the idea of mapping where these areas are, you know, and, you know, areas in certain areas would be 25 percent and then all the other areas 50 percent or something, but kind of picking out the areas that are most likely to be prime candidates in the next five years or whatever for where we'd like to see the most in-fill. Not to say that you can't do in-fill anywhere else, but we're going to highly incentivize in-fill here, we're going to make it 25 percent. And most of those areas you're not going to have a problem meeting that 25 percent anyway. And I'm not sure that's going to be much of an incentive anyway, it's going to have to come again with those Chapter 3 incentives.

But maybe, and I'll just throw this out, maybe we want to take a look at what staff might come back with in terms of some kind of mapping of where we'd want to see those, because one thing that is kind of striking here is when you look at the in-fill in the first one, the one to the left, and then you look at the in-fill parcels most likely to develop, there's not much left once you take out. So I don't know exactly what happens there, but, boy, a lot seems to go out. But I don't know what, I don't even know how many acres are left or if it even says.

LEE: I think there's about a third between the two maps, from about 24,000 down to about 8,000.

WRISTON: So you lose two-thirds. Is that because of constraints and other things?

HIGBIE: Vacant buildable lands.

EATON: The map on the left because it's an ordinance and the way the eligibility criteria is written, it doesn't say you can't do in-fill if you have an existing home on a land, so that map on the left shows places where there are existing dwellings. The map on the right uses the buildable lands methodology to, and it only shows vacant or underutilized; that is, it's kind of projecting where it's likely to happen.

WRISTON: So those are vacant.

EATON: But if you want to get a sense of where will the ordinance apply it's the map, something more like the map on the left. Again, neither of these are exactly accurate because it's very difficult to map this criteria especially.

LEE: Right. In terms of the -- just to be clear, it's possible that there could be a structure on a parcel with the map, but its value is very low, extremely low because there's a value threshold in terms of underutilized.

WRISTON: Here, I'll throw out something, food for thought, and I'm not sure if Matt and everyone can comment more, in my experience these work better with parcels or with structures as strange as that may seem. They just work better with parcels. People, you know, they put the value in the parcel and not in the land. Otherwise, if you're just looking at vacant land, they put way too much value on the land so that actually your profits and being able to take additional lots and actually cash flow that one structure if there is value in that structure and your profits in that structure believe it or not. I know that sounds strange, I can't tell you how and why, but it's in reality that's kind of what it comes down to is that structure is kind of your -- so I'm not sure that that's, to throw out all those parcels with structures on them I'm not sure that that's a valid assumption.

BARCA: I think regardless, though, this does show us that, you know, within the Vancouver city limits and the unincorporated UGA there is a, there's a pretty good balance, but as you look at that it's still, it's primarily focused around where there's the transportation corridors or commerce centers, which, you know, is how everybody perceives where Clark County is built-out. So that gets me back to thinking that we're really talking more about smaller parcels than the 2.5s and that was the focus of my thought process about trying to lower the criteria or the threshold for the smaller parcels to continue to build-out in those areas first, but I'm interested in hearing what anybody else thinks. I heard, you know, Dick says basically make it 25 percent everywhere.

WRISTON: I think Dick's saying, well, I don't want to put words in Dick's mouth.

BARCA: Well, I just did so you can.

DELEISSEGUES: Well, we got to decide what we're doing.

WRISTON: You were saying you were going with the smaller property, period. If you're 2.5 acres or less in the urban growth boundary, you know, then you're in-fill.

SMITH: I don't see that it makes a whole lot of difference as far as what's bordering it, it's still a two point -- or more likely you look at this ratio and on the second page it looks like it's averaging one acre and you're going to have a hard time building something and making it pencil out on a one-acre lot. I don't see why we have to throw out any other road blocks there. I go with Dick, just open it up. And those, if they're not problem lots now they're going to be problem lots as it's built up.

MOSS: That's, you know, that's been my experience. It really doesn't matter where it is in this county, if you're talking about doing a development of ten or fewer lots, you've got some real economic difficulties to make that financially feasible, and, you know, these small lots like this need some kind of incentive so I lean toward opening it up too. Now that is a departure from where we've been in the past and it, if we're going to go this way we need to make that clear in the ordinance that these are not passed over properties that we're talking about, but these are small properties that otherwise might not develop. But certainly that's where my inclination is. I know they're all difficult to develop when they're that small.

SMITH: They may not be passed up but they're still in-fill and that's what we're here for.

HIGBIE: Well, they're passed up but they're not in-fill, they're just -- or they're not passed up, they're not in-fill, they're small lots.

MOSS: Well, I think you could make an argument that virtually, you know, given the lack of large parcels out there within the urban growth boundary now for development, you can make an argument that nearly anything is in-fill.

HIGBIE: Okay.

LEE: I saw four heads nod on that one. Is that enough direction to us?

WRISTON: There's confusion.

LEIN: There's confusion. Correct me, are you at zero or 25 percent?

SMITH: Zero.

LEIN: At zero?

MOSS: Zero.

DELEISSEGUES: Zero.

MOSS: I don't think it makes much difference.

DELEISSEGUES: He's worse than I am. He thought I was bad and now it's gone from bad to worse. Yeah, what difference does it make. If we're here to develop these properties inside the urban growth boundary, then let's do it. If we're not here to do that, then we can put some limiting criteria on here and get back to the map on the --

LEIN: So that means you will bypass parcels to get to this.

DELEISSEGUES: Well, priority-wise you might but eventually --

MOSS: I'd say it's really unlikely because we are talking about parcels having urban services available and they got there --

WRISTON: Yeah, for a reason.

MOSS: -- for a reason, and that's there's development in the neighborhood.

LEIN: Or close enough that it can be extended.

MOSS: Yeah, you aren't going to extend it very far for a two and a half-acre parcel.

WRISTON: Two and a half acres, that's the whole point, you're not going to extend it.

RUPLEY: I would suspect we just threw a bomb in some of what the task force did by that kind of interpretation.

EATON: What I was searching for was the Primer which actually went through and we looked at a lot of other definitions of in-fill throughout the state, and I'm not putting my hands on it right now, yeah, it's in the, that in-fill Primer, and maybe that's something that we can, you can continue to cogitate on, but that does kind of change the general understanding that the task force had that we started with as to in-fill, that in-fill would have some parameters other than just being small lots within an urban growth boundary. That doesn't mean if it's your direction that that's not what you want to recommend, but it is a little bit of a departure from the sense of "in-fill" that we've been having throughout.

SMITH: It just seems we have to do something a little more bold because we just don't have a feeling that like I was saying if we feel like we're trying to kill an elephant with a BB gun here, I think we have to get some bigger ammunition in order to really make a difference as far as making these things pencil out, and I think we're going to have to kind of let those guidelines or sideboards go a little bit and be a little more aggressive.

EATON: And if that's the -- I'm sorry.

BARCA: How are we going to meet the criteria of trying to blend with a neighborhood if we're going to lots that have no abutment of urban development next to it?

SMITH: They create their own neighborhood.

BARCA: That's right, Rich, it's not an issue. Of course that was a major focus of having the neighborhood component of the task force, but perhaps we can just quote it and say that's not an issue for them either.

MOSS: No, Rich has got a very good point, and that's that --

LOWRY: No, I was just saying that that is obviously a big issue in here, but if you have no neighbors for that particular development it's not --

SMITH: You're creating your own neighborhood and standards.

BARCA: So it's density bonuses --

MOSS: Don't go away, Craig, we'd be glad to hear from you.

BARCA: It's density bonuses without having to even meet with a neighborhood if that's the case.

WRISTON: It's what?

BARCA: As long as the lot is small enough, then we can go to the higher level of development standard and get the density bonus and the worry about having to meet with the neighborhood and feel their concerns we might not even have a neighborhood to meet with, you can go 500 feet out from anybody and --

MOSS: Yeah, you probably wouldn't get much reaction to your ad for such a meeting.

WRISTON: One thing I want to caution us on and this is, I mean because maybe it was my concern with starting with these details and not hitting Chapter 3 is that, you know, that what if we do this it's you're not really incentivizing or decreasing costs or doing anything else like that, you're just increasing the potential number of parcels that may be available for in-fill. It doesn't mean -- we're not doing anything. I just want to, you know, we're not, this isn't, this, you know, saying all 2.5-acre parcels within the urban growth boundary qualify as in-fill does nothing to help make them more or less feasible. Maybe it makes more of them likely to be feasible or hopefully feasible because you have more to select from, but it doesn't, I don't know if I'm making myself clear, it doesn't help us, it doesn't move that, you know, it's those things in Chapter 3 that start

reducing the time risk and cost that you're looking at.

DELEISSEGUES: Well, the other thing is you're not going to get too far from a neighborhood with sewer and water.

WRISTON: Right. And I'm not disagreeing with you, it simplifies it.

DELEISSEGUES: Nobody's going to extend sewer and water out 20 miles, you know, where nobody lives.

WRISTON: Chris has been saying, you know, let's be clear on everything. I mean it certainly makes it very clear to say anything within the urban growth boundary that's 2.5 acres or less is in-fill is a very simple definition. I mean it meets that criteria of being clear. But I just don't want to get all, you know, hyped up that this is going to be the thing.

MOSS: This isn't the cure, and I don't disagree with what you said at all, we really need to focus on Chapter 3, but what this does do is that a certain number of these small parcels are going to prove to be economically feasible under whatever scenario that we use, and this kind of a change in direction could expand the pool of candidate projects enough that it could have an impact on making these really part of the available buildable lands. So I think we need to look at this, but I certainly agree we need to go on to Chapter 3 and say, okay, what are the incentives going to be now that we've identified what projects are eligible.

EATON: And, Commissioners, Jeff framed it very well, this ultimate question, this is the question in the staff report is how much land should be eligible, that is the question that is in front of you and these are criteria that get at that issue. So the directions that you take is going to be your philosophy or your direction to get at that question.

LEIN: That's what Rich said, we're either looking at passed over properties or all small properties.

DELEISSEGUES: Within the urban growth boundary.

LEIN: Correct.

EATON: So that kind of edit, just to kind of frame it for you, if Criterion 4 was removed, then the entire Section ii, urban development, would also be deleted because it would no longer matter.

BARCA: Do we have a majority that wants to go in the direction of removing Criterion 4? I heard several members state that they were in favor of that.

WRISTON: You know, I think we ought to keep, I'm going to keep hammering on

Chapter 3, but I mean we're not going to get to Chapter 3 tonight but I just want to, you know, maybe we want to just --

LEIN: We're not even going to get to Page 6 tonight.

WRISTON: -- maybe we just want to keep working through it. And, I mean, I think there's four of us that are leaning in that direction but I still want to see what, you know, how this whole thing, how this story unfolds. We're only on -- before we decide all those things, I'm not sure how this all, I mean I'm trying to still balance it. You know, it was an interesting thing, one of the, we heard from neighborhood testimony tonight from a couple of them that were talking about, you know, they wanted to make it -- I don't know where my notes are now, but they wanted to make it attractive to the developer and all, and their biggest thing was where, they were worried about compatibility, roof pitch and, you know, kind of the design standard type of thing without imposing design standards. But I wish I had my notes. Anyway, to me a lot of these issues that they weren't worried about necessarily that the size and things.

EATON: Let me be clear, and if you doubt this you need to read the task force minutes, they were extremely concerned about this issue, about the state of bypassing, this was a major negotiation between the task force members, neighborhoods, much like Mr. Theobald said, they were very concerned to define "bypass" conservatively that is a higher number, so it is not correct to say they weren't concerned about that.

WRISTON: Well, I wasn't meaning that, I was just --

EATON: Well, I just want to, they were -- it was probably the number one discussion point of the task force and, again, what you're seeing is a compromise suggestion. And you can change that but you really should understand that these were pretty serious factors for everybody.

RUPLEY: You know, I read through the testimony, though, and I'm going to go back to what Jeff I think was saying in terms of if you look at what the neighborhood were looking at, it's the incompatibility of the neighborhood and things and so their worry was what was going to come into their neighborhood. And so I still think that's more of what I saw reading through the testimony than specifically what you just said.

WRISTON: And my point was not to say that they weren't concerned about it, but that that was more like whether or not to actually take a straw vote or anything at this point or at this juncture without going through all these and seeing where the big picture is, because from a development standpoint I think developers would rather see some of the things in Chapter 3 and some other things loosen up and would be more readily accepted, be willing to accept compatibility and other standards, roof pitch and some of these other things, in lieu of, you know, in exchange for financial incentives or timing or risk. And that's all I'm saying, it was remove barriers that I think it was Dale who was testifying he said remove barriers, make it attractive and profitable and then the

neighborhood context, roof pitch and things like that, and, you know.

RUPLEY: Well, that's also character perspective density, changing the neighborhood flavor drastically is kind of the comments that kept coming throughout.

WRISTON: But you can still do density and make it compatible, you know, or somewhat compatible with the neighborhood, cottage type things and things like that.

MOSS: You know I think we've had some pretty good discussion here, but I think this is a large enough issue that it has an overall impact on the way that this program could or could not be successful, but I don't see a need to make a decision on this right now. I think we can certainly go on to some of the other weighty issues and talk about them and then come back to this and view the discussion that we've had and decide what should we do then. I mean what does it mean to be eligible, we really haven't decided that yet.

BARCA: If that's the case I would encourage everybody to read the Tracking Matrix. A lot of what I got out of it was in that regard that the neighborhood component of the task force did have a lot of discussion about that. And then there is some point in here where there's actually a vote in the split about amount of abutment is in there, there isn't really any discussion about throwing it out completely because then it moves away from the aspect of in-fill, which is why they were there. Philosophically, if we come back and we decide that what we're doing is going to go ahead and just create a mechanism to help develop smaller lots, then, you know, let's come back, let's get that on the table and vote on it because that philosophy is what's going to shape, I think, the rest of it, and including the aspect of what we think is appropriate for incentive, because if we're no longer talking in-fill and skipped over parcels, then I think we look at all of the incentives differently.

DELEISSEGUES: It seems to me there's another option too, you could say that this is for in-fill and use in-fill in the passed over lots and work on this, and then we could come back later and work on another one for a small property development within the urban growth boundary served by public utilities. We could have two of them. And maybe they'd be a little bit different, maybe the in-fill one where the real small properties that we've identified that are more along the passed over lot urban development the incentives would be different too. Maybe you get out a little bit further with bigger pieces of land that are still within the urban growth boundary, you might want to have a whole different set of incentives there that might be less incentive for now and then as development occurs in the future out into those areas and they're still passed over, you'd move it from one to the other where actually urban development does occur abutting the property. I don't know, it just -- maybe we can't solve all the world's problems with one ordinance is all I'm saying.

MOSS: You want to go through this twice?

DELEISSEGUES: Yeah.

EATON: You guys just have fun. And, I'm sorry, I don't mean to kind of overstate that, it's probably just my memory of those task force meetings it's kind of coming back. So it sounds like what I'm getting is that you've had some pretty serious consideration of this, you're still considering this, but you'd like the next iteration to keep it in, maybe italicize Criterion 4 and the urban development to kind of flag it as up for discussion. Does that make sense?

DELEISSEGUES: I kind of think if we're going to keep faith with the task force, we ought to either stick with what the task force did in their objective that they were given by the Board of Commissioners and the objective they gave us, or if we're going to go separate from that, I think it's going to take a lot more thinking than just wordsmithing this ordinance because it may not be that as easy as it sounds to -- I just don't see how we're going to address the bigger issue without a whole bunch of people feeling that they were disenfranchised in the process that worked on the task force. And that's my concern. It's not that I'm not in favor of doing whatever we can do to encourage in-fill in the county, and, you know, I got off the track, I looked at the big picture, and yet our charge may not have been to do that, I don't know.

LEIN: But I think we certainly have the ability to pass on something to the County Commissioners that we believe in. I mean we're an advisory, the task force is advisory, we've been known to have some of our recommendations changed, at least one, so I think we need to do what we feel is right. I admit they did a lot of great work, but if we're looking at a scope in changing that I don't have a problem with it if we think that's what is best for the county at this point.

SMITH: I think we could at least put this, you know, like Chris said in italics and once we get to Chapter 3 and if we don't really think we're making the headway we think we should be in Chapter 3, we could always come back to this and reconsider it.

EATON: If that's some form of a motion, you've got through the eligibility criteria discussion. Mr. Chair, what's the pleasure of going forward?

LEIN: Are you ready for a break? Break or quit?

BARCA: Okay.

WRISTON: Well, what is the --

LEIN: It's 10:30.

DELEISSEGUES: Let's take a look at the incentives, let's not quit yet.

LEIN: Well, we haven't even gone on to the, you know, there's several things that we

need to go through before we get to the Chapter 3.

WRISTON: What is the, I said this at the last work session too and maybe now it's too late to do this, but I know we have a hard time having, you know, large chunks of time in the work sessions, but is it possible for us to go back into one or two work sessions and just really, you know, hammer these things out less formally?

HIGBIE: That's what we're doing kind of right now.

WRISTON: Well, I know we are, but it's just, you know, it's just I always find it hard at 10:30, you know, 11:00. I mean we'll keep, we can keep plugging through and with the lights on and --

HIGBIE: I think the technical term is if you close the hearing you can go deliberate and you can deliberate wherever you'd like. Or as long as we advertise it, I mean.

WRISTON: Oh, I see so, yeah. Well, I wish you would have listened to me when I said I thought we needed a couple more work sessions before we came to a public hearing.

LEE: No. If the Commission wants to schedule some more work sessions to thrash through these things, I don't see a problem with that. We won't have to close the public hearing even. I mean if you want to leave the public hearing open, which hasn't been closed as of this point, that's fine.

MOSS: Actually I'd be a little apprehensive about taking an entirely different direction and then closing the public hearing to testimony.

LEE: I can hear Rich now saying it would be best to re-advertise in that case, but continuing to a time certain would be very worthwhile, and I think having some work sessions in between would be worthwhile if you want to work through these things in some more detail.

DELEISSEGUES: I think this forum's great, frankly, to deliberate, I don't see any problem with it. Call it a work session if you want to.

MOSS: I can see it's going to take some time.

LEIN: It's really good. My concern is if we send this on to the next regularly scheduled meeting, we'll have three issues and we'll spend 99 percent of our time on this issue and probably not address the others. If we have some workshops between now and then we have an opportunity to be able to come to conclusion a little bit better at the next hearing.

MOSS: We do, that's a good point.

BARCA: If we attend the workshop.

LEIN: If you can make the workshop, yes. And if not, then we'll have to revisit everything at the hearing.

DELEISSEGUES: Well, can we keep going now?

SMITH: The one thing with the workshops is we typically get four if we're lucky and we just don't get the same synergism we get in this forum I don't think.

MOSS: Well, if we're going to do that I think we need to schedule some workshops now around everybody's availability and we need to make a real attempt to be there or they aren't going to be productive. So how many workshop advocates do we have here?

LEIN: Mine would be a concern about the time we have it. You know, right now I'm getting pretty tight in terms of meeting at 4:00 for any workshops.

BARCA: This is a big issue in front of us and I guess I would look at the aspect of starting to schedule if we need more of our meeting time in the evening.

WRISTON: I would do the evening.

BARCA: Yeah. And then because of what Carey said about the synergy that we get when we have a full body here it's better, so if we take three or four meetings to do this. I mean we were told before that we didn't need to rush it, what we needed was a good product, so I think we need to adhere to that aspect.

MOSS: Well, that's, I think, certainly the little later meetings this hour or so 6:30 would work better, or maybe even a little earlier, but 4:00 is too tough for many people.

WRISTON: Yeah, it's hard so. Well, I mean if we did it at like 6:00 or 6:30, I mean tonight, for instance, I mean if we were able to schedule one or two of those, tonight, for instance, we spent, you know, a fair amount of time with testimony, staff report and all, we may find ourselves -- one concern I have, though, is once we hit this Chapter 3, and this is why I suggest a work session, once we hit the Chapter 3 there's a fair amount of things that we're not going to be able to answer that we're going to need staff to help us with. I mean there's no analysis to any of those things, right, if we want to pursue them we have no background or anything into, okay, what is this going to cost, how is it going to --

LEE: No, we have no fiscal analysis --

WRISTON: -- how is it going to affect the budget, how are we going to pay for it.

LEE: -- so we'd be basically starting from scratch in that aspect.

BARCA: We can't let that slow us down. I think it's, I mean within the context of first we decide what we want the product to look like and then we put it out to see what the impact is in that regard, I don't even know if it's up to us to decide whether it's fiscally responsible to do that or not, we give it to the County Commissioners and allow them to make that choice.

WRISTON: Yeah. No, I mean you may be right. I mean you said that earlier and that may be, that may be the case, we may just say here's what we think it's going to take and --

BARCA: But if we do workshops what is the connectivity to the constituency that's interested in this ordinance? Are we still going to be putting it in a situation like a hearing like this where there's going to be --

LOWRY: I think what I would recommend is that if you continue to a workshop you do just that, continue this hearing or the deliberations of this hearing to a workshop. And the biggest difference will be, either not have it here or if we have it here we'll set up tables, but the public would still be able to attend and --

BARCA: And we'll notify them.

LOWRY: Well, if you continue it to a time and date certain when you'll have your workshop, there's no need for an additional notification.

HADLEY: Most people aren't here now.

LEIN: What about availability of people?

BARCA: Well, Thursday's are all ruined anyway so any Thursday, isn't it?

MOSS: Thursday's are good for me.

LEIN: It would have to be at least after 6:00 for me on Thursday and the 7th.

WISER: And I don't know if City Hall is available on the 7th but A and B.

DELEISSEGUES: The 14th is a bad day. Don't make it for Valentine's Day, you'll get in trouble if you come here.

RUPLEY: So next Thursday is the 7th so we could do that.

DELEISSEGUES: We have a meeting on the 7th.

WRISTON: Who?

LEE: That's a work session. It starts earlier, there's no reason we can't, you know, have, you know, we can still take the issues early that are on there, I think it's of digitizing, floodplain, is floodplain on there, but they're not, I don't think, issues of this magnitude. And we can certainly if you're -- if most of you can make it after, I think it is extremely important that you all be there for this discussion. And it is frustrating when, I know it's frustrating for you and it's frustrating for staff when, you know, three Commissioners show up for these things. So the real critical thing is finding a time. And staff will be there, there's no, you know, that's not a problem, we'll find a place and we'll be there, it's when all of you can be there. Whether it starts at 7:00 at night, that's fine.

MOSS: Well said, agree.

WRISTON: Well, I'm going to screw everyone up because there's a high likelihood I'll be traveling on the 7th and the 8th. I don't know yet but there's a likelihood so. But that's just one so.

MOSS: So pick another time.

BARCA: So even though there was already a workshop scheduled you decided to put a trip in?

WRISTON: No, I didn't decide as to Omaha, that's not my favorite place to go. So, no, I didn't decide.

LEIN: How about the 6th, Wednesday?

SMITH: The 6th is good for me.

RUPLEY: That's fine for me.

WRISTON: The 6th is Wednesday is fine.

SMITH: Better for me.

DELEISSEGUES: No, I can't go.

WRISTON: You can't?

SMITH: BFW?

DELEISSEGUES: Fire department.

RUPLEY: What about the 5th?

DELEISSEGUES: The first and third Wednesday.

MOSS: What do we hear Tuesday?

WRISTON: The 5th is fine.

RUPLEY: The 5th is fine.

SMITH: The 5th is good.

DELEISSEGUES: We're going to argue about 20-foot roads.

LEIN: Is the 5th okay?

BARCA: I don't have my calender in front of me, I --

WRISTON: If the 5th is all right can we do it right here?

BARCA: -- block every Thursday out and after that it's I have a life, I don't know.

WRISTON: 5:30, 6:00, 6:30.

DELEISSEGUES: I can't go on the 5th either.

WRISTON: Oh, you can't on the 5th either?

DELEISSEGUES: No. I got Thursday already on my calender and everything else --

BARCA: Yeah, if we stick with Thursday's.

DELEISSEGUES: If you stick with Thursday you're in pretty good shape.

BARCA: We lose, Jeff.

WRISTON: Just on one.

BARCA: Is that good for everybody else?

LEIN: I can make it later.

DELEISSEGUES: Jeff could call on his cell phone.

BARCA: Yeah, we could do conference call for a workshop. It's only a couple hours

later in Omaha.

SMITH: It's party time in Omaha.

WRISTON: Yeah, right, I wish.

LEIN: What do you want to say, what, 6:00, 6:30 on the 7th?

DELEISSEGUES: 6:30 is good.

LEIN: 6:30.

MOSS: We still have the workshop that day earlier?

LEE: Yes, there is a workshop scheduled that starts at 4:00 to --

MOSS: 4:00 to 5:30?

LEE: -- 5:00.

WISER: To 5:00.

MOSS: Is it 5:00?

WISER: 5:00 to 6:00, 6:30. 5:00 to 6:30 is the plat, the workshop. Do you still want to start at 5:00 or do you want to start at 6:30 with the plat submission?

LEE: I would, I would think that we need the time on this so that we could still do the other ones earlier but start, make sure we start this one at the later time when we have reasonable confidence that most everyone will be there.

WRISTON: Do we want to do the, we've also got the 21st and 28th or do we, I don't have the schedule in front of me, do we already have something scheduled?

DELEISSEGUES: The 21st --

RUPLEY: The 21st is the continued hearing.

LEE: Yeah, we actually have the continued hearing on this scheduled for the 21st. Tentatively scheduled for the 21st.

BARCA: And we'll need it.

WRISTON: So we could do that and the 28th. I mean there's, the object is to get a good product, right, so.

BARCA: I think the 28th we should just look at continuation of deliberations from the 21st in case, you know, that's needed, but as far as the next workshop goes let's put the workshop in on the 7th, have the hearing continue on the 21st and then schedule the 28th to continue if that's the way it needs to be.

DELEISSEGUES: Actually we've got two workshops on the 7th, right, is that the one, 4:30 to 5:00 or 6:00 or whatever and then 6:30 we have another subject but we stay here?

LEE: Yeah, basically you're just adding this to the agenda and start, and would start later on this one.

DELEISSEGUES: As long as you feed us.

LEE: We can do that.

WISER: Great, whatever you want.

WRISTON: So what time is the workshop starting on the 7th? What time?

LEIN: There's one from 5:00 to 6:30.

WRISTON: No, I know, what time's this one starting?

LEIN: It's 6:30.

WRISTON: 6:30.

WISER: 6:30.

BARCA: Are you going to be back, Jeff?

WRISTON: No. No, but I may take you up on your call.

DELEISSEGUES: 4:30 to 6:00 and 6:30 to --

WISER: No, 5:00 to 6:30.

LEIN: Oh, 5:00.

WISER: 5:00 to 6:30 and then at 6:30 it will be this.

BARCA: So we have a stand-up dinner break.

MOSS: Tell me again what the subject of the earlier one is.

LEE: We have, I think we have a small change to the floodplain ordinance that I think we had a work session on already.

MOSS: Yeah, we did.

WISER: Yes.

LEE: And then we have a change to the code that would allow electronic filing of final plat maps that were --

WISER: Digitized submission of plats.

HIGBIE: Do we have a location?

WISER: For what?

HIGBIE: For that work session?

DELEISSEGUES: A and B, isn't it?

WISER: A and B.

HIGBIE: So we could just hold on to A and B?

WISER: Yes.

LEE: So we could just stay in A and B and bring in some food and sit down and roll up our sleeves on this one.

WRISTON: And would the focus on that be primarily the Chapter 3 you think or do we want to work through the -- I mean just so we're --

EATON: What I was going to suggest, Mr. Chair, is that you can break it into order, it doesn't really matter, Chapter 3 first, then the ordinance, there still are some discussion points in the ordinance, they're highlighted with the rest of the policy questions, and what I would suggest for the ordinance part that you focus and review the ordinance language and where there are those italics with brackets think about those before as you, you know, before you get to the work session so that you're prepared with very specific I want to go with this because of this. And we can try and, you know, facilitate that by recording, you know, what various folks think and try and facilitate some of that discussion. Some of them are numeric standards and I think we can take some straw votes. And so if people are able to focus on those, it is less philosophical than what we've been talking about on Page 5 here. And I think it's going to be a little bit more

clear-cut for the ordinance part and then we'll get back into the little bit more philosophical and fiscal issues with Chapter 3. So that would be my suggestion about what would help move that quickly in terms of the ordinance stuff.

LEIN: So we are then continuing the hearing to the 21st and we will have a workshop on the 7th.

LEE: The workshop will be Community Development --

LEIN: Rooms A and B.

LEE: -- A and B --

LEIN: Starting at 6:30.

LEE: -- and the continued hearing will be here; correct?

WISER: Right.

OLD BUSINESS

None.

NEW BUSINESS

None.

ADJOURNMENT

The hearing adjourned at 11:00 p.m.

All proceedings of tonight's are filed at Clark County Community Development/Long Range Planning.

_____ _____
Vaughn Lein, Chair Date

Minutes Transcribed By:
Cindy Holley, Court Reporter
Sonja Wiser, Administrative Assistant

SW/min 01-31-2002